

## AGENDA

### COMMITTEE ON LANDS AND BUILDINGS

**April 18, 2005**

**Aldermen Thibault, Roy,  
Gatsas, Osborne, Porter**

**5:30 PM**

**Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Chairman Thibault calls the meeting to order.
2. The Clerk calls the roll.
3. Communication from Bob MacKenzie, Director of Planning, recommending the Board adopt additional environmental protection for the Nature Preserve to be included in the Hackett Hill Master Plan, or request MHRA implement this requirement in its regulations and procedures for the development of Hackett Hill.

**Gentlemen, what is your pleasure?**

4. Communication from Daniel Georges, Pastor of the Haitian Congregational Bible Church, Inc., inquiring of the availability of vacant parcels of land known as Map 0134, Lot 003; Map TPK3, Lot 0005(A); Map 0478, Lot 0008(A); Map 0516, Lot 0007; Map 0516, Lot 0008; and Map 0516, Lot 0009.

*Board of Assessors – no report submitted*

*Planning – no report submitted*

*Tax Collector – recommends parcels not be considered available for disposition as outlined herein.*

**Gentlemen, what is your pleasure?**

5. Communication from Attorney Michael Kasten, on behalf of Steve and Anna Sacco, proposing to enter into a Boundary Line Agreement with the City for property located at West Shore Avenue and Bodwell Road abutting Crystal Lake.

**Gentlemen, what is your pleasure?**

6. Communication from Attorney Karen McGinley seeking approval of an Air Rights Lease from the City of Manchester to Catholic Medical Center granting the right to cross McGregor Street.

**Gentlemen, what is your pleasure?**

7. Communication from Louis Nixon, on behalf of Carol Gosselin and Bonita Kershaw, seeking an easement for access across the former NH Central Railroad bed to 534 and 526 Douglas Street.  
**Gentlemen, what is your pleasure?**

### **TABLED ITEMS**

**A motion is in order to remove any of the following items from the table for discussion.**

8. Discussion of area for dog park.  
*(Tabled 07/27/2004 pending review and report from Parks, Highway and Planning.)*  
*Parks – Pine Grove Cemetery area –not suitable.*  
*Highway – Landfill area – accept subject to areas being fenced and controlled access*  
*Planning – Landfill area – most suitable location*
9. Use of Landfill area – NH Flying Tigers R/C Club, Inc.  
*(Tabled 07/27/2004 pending review of dog park information.)*
10. Communication from Urban Ponds Restoration Program relative to the Black Brook/Maxwell Pond Stream Restoration Proposal.  
*(Tabled 08/10/2004 – public hearing held on January 20, 2005.)*
11. Request by Nicholas Bonardi to purchase a discontinued portion of So. Bedford Street at So. Commercial Street.  
*(Tabled 11/15/2004 pending further review.)*  
*Board of Assessors – value range \$17,340 - \$21,675*  
*Planning – dispose of to Mr. Bonardi with condition of consolidation with TM 274/Lot 7A*  
*Tax Collector – no objections to dispositions, not tax-deeded parcel*
12. Communication from Robert MacKenzie, Director of Planning, relative to the Blacksmith Shop on Second Street.  
*(Tabled 11/15/2004 pending further review by the CIP Committee.)*

13. Communication from Attorney Peter Tamposi, on behalf of Richard Exline, requesting a modest lot line adjustment and the terminations of an access easement owned by the City.

*(Tabled 01/10/2005)*

*Board of Assessors – value range \$3,000 - \$3,500*

*Planning – no report submitted*

*Tax Collector – no interest, not tax-deeded parcel*

*Highway – comments submitted*

*Parks – no report submitted*

*NOTE: In reference to Items 14, 15 & 16 draft City of Manchester policy regarding private sector use of the former Portsmouth Branch Railroad Line ROW submitted by Planning attached. All three items retabled on 01/10/2005 pending review by Parks & Recreation, Planning, Assessors and City Clerk to work on a procedure for all departments.*

14. Land between Valley and Grove Streets previously owned by B&M Railroad.  
*(Tabled 05/26/2004 pending standard policy for purchasing railroad land to be submitted by Planning.)*

*Board of Assessors – value range \$57,448*

*Planning – do not dispose, license might be considered with conditions*

*Parks & Recreation – do not dispose; temporary use license or agreement subject to conditions to be considered*

15. Land at Belmont/Valley/Grove Streets formerly owned by B&M Railroad  
*(Last tabled 07/27/2004 pending standard policy for purchasing railroad land to be submitted by Planning.)*

*Board of Assessors – value range \$26,484*

*Planning – recommend license for usage subject to conditions*

*Tax Collector – no interest, not tax-deeded parcel*

16. Land at Maple/Somerville Streets formerly owned by B&M Railroad.  
*(Last tabled 07/27/2004 pending standard policy for purchasing railroad land to be submitted by Planning.)*  
*Board of Assessors – value range \$21,084*  
*Planning/Parks – do not dispose, recommend license for usage subject to conditions*
17. If there is no further business, a motion is in order to adjourn.





Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Milliard Design Review Committee

Net. to LKS

January 25, 2005

Honorable Board of Mayor and Aldermen  
City Hall  
One City Hall Plaza  
Manchester, New Hampshire 03101

re: *Hackett Hill Master Plan*

### IN BOARD OF MAYOR & ALDERMEN

DATE: January 25, 2005

ON MOTION OF ALD. DeVries

SECONDED BY ALD. Shea

VOTED TO refer to the Committee on  
Lands and Buildings.

CITY CLERK

Honorable Board Members:

At a recent full Board meeting, questions were raised as to whether there could be additional environmental protection for the Nature Preserve where future development could come close to the preserve. In reviewing this matter with our staff, we believe that the following provision could be adopted by the Board:

Any development, including buildings, structures, driveways or parking lots, within fifty (50) feet of the Nature Preserve shall be reviewed by the Conservation Commission to determine whether there would be any impact on the preserve and, if so, what measures could be adopted to mitigate the impacts.

The Board could act either to include this in the Hackett Hill Master Plan, or request the Manchester Housing and Redevelopment Authority otherwise implement this requirement in its regulations and procedures for the development of Hackett Hill.

If you have any questions, please feel free to contact me.

Sincerely,

Robert S. MacKenzie, AICP  
Director of Planning & Community Development

C: Jane Hills  
Ken Edwards

One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)

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Haitian Congregational Bible Church, Inc.

403 Brown Avenue  
Manchester, New Hampshire 03103

December 23, 2004

Mr. John Gardner, Tax Collection  
City Clerk's Office  
One City Hall Plaza  
Manchester, New Hampshire 03103

**Re: Available/Vacant Property**

Dear Mr. Gardner,

Please be advised, the Haitian Congregational Bible Church, Inc. is a small community-based ministry. Our members volunteer and prepare meals for the homeless, sick, and seniors in need. We are currently worshipping in a building that belongs to another church. As a result of this temporary move, we have lost some of our members.

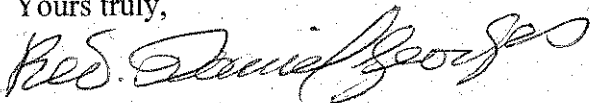
I write to your office at this time, because our Board members have identified several vacant lots. We wish to inquire of their availability. The Church has recently obtained its federal non-profit determination, and seeks to build an active membership that supports families and individuals in crisis, through our Church ministries.

Attached is a list of the properties that our church is interested in.

I would like to meet with you to discuss this matter at your earliest convenience.

Thank you for your consideration in this matter. Should your office require any additional information, please advise our office.

Yours truly,



Pastor Daniel Georges,  
Founder/President

Attachment  
DG/th

CC: Board of Trustees

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Physical Address

536 Union Street (First Baptist Church Building) ◇ Manchester, New Hampshire 03104  
Telephone: (603) 668-5522

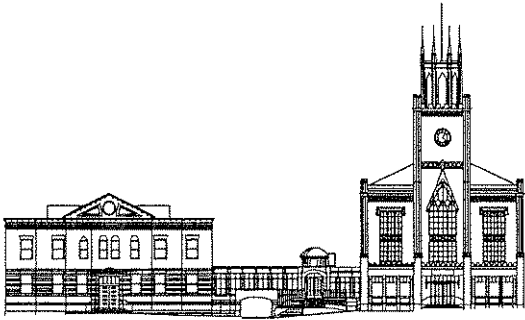
Haitian Congregational Bible Church, Inc.

403 Brown Avenue  
Manchester, New Hampshire 03103

Map	Lot	L-C	St. #	St. Name	Owner	Style	Style Desc
0134	0037		628	Hanover Street	City of Manchester	99	Vacant Land
TPK3	0005	A	0	Second Street	City of Manchester	99	Vacant Land
0478	0008	A	0	Candia Road	City of Manchester Tax Collector	99	Vacant Land
0516	0007		0	Candia Road	City of Manchester Tax Collector	99	Vacant Land
0516	0008		0	Candia Road	City of Manchester Tax Collector	99	Vacant Land
0516	0009		0	Candia Road	City of Manchester Tax Collector	99	Vacant Land

Physical Address

536 Union Street (First Baptist Church Building) ◇ Manchester, New Hampshire 03104  
Telephone: (603) 668-5522



*City of Manchester Office of the Tax Collector*

*City Hall One City Hall Plaza  
Manchester, New Hampshire 03101  
Joan A. Porter, Tax Collector*

Tele: (603) 624-6575

Fax: (603) 628-6162

Web Site: <http://www.manchesternh.gov>

Email: [taxcollector@ci.manchester.nh.us](mailto:taxcollector@ci.manchester.nh.us)

*Welcome to the City Of Manchester NH, Where History Invites Opportunity!*

January 11, 2005

Daniel Georges, Pastor  
Haitian Congregational Bible Church, Inc  
403 Brown Avenue  
Manchester, NH 03103

Dear Pastor Georges,

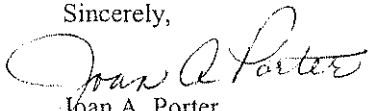
I am referring your letter to the Land & Buildings Committee for discussion. The Committee will begin investigating the ownership and status of each property and its availability.

If it should be determined that any of the properties you requested are surplus to the City, the Land & Buildings Committee will determine the best method of disposition. The Committee will notify you of its determination once they make a decision.

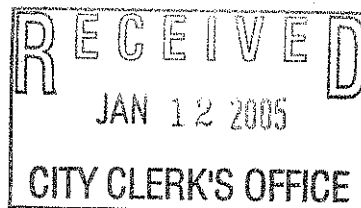
If you are interested in attending the next meeting of the Land & Buildings Committee, please check our web site weekly on Friday afternoons at: [www.manchesternh.gov/calendar/](http://www.manchesternh.gov/calendar/) or if you do not have access to a computer you may call the City Clerk's office on Fridays at 624-6455 to find out if there is a meeting scheduled for the following week.

Thank you for your interest.

Sincerely,

  
Joan A. Porter  
Tax Collector

cc: L&B Committee,  
City Clerk's Office





*City of Manchester Planning and Community Development*  
One City Hall Plaza  
Manchester, New Hampshire 03101  
603-624-6450  
Fax 603-624-6529

February 24, 2005

Committee on Land and Buildings  
Honorable Board of Mayor and Aldermen  
City Hall - One City Hall Plaza  
Manchester, N.H. 03101

RE: *Request by Haitian Congregational Bible Church to acquire City-owned properties*

Dear Committee Members:

This is to provide a report pursuant to Section 34.20 pertaining to the above-referenced matter in which an inquiry has been made by Pastor Daniel Georges, of the Haitian Congregational Bible Church, asking about the availability for acquisition of the following city-owned properties:

- (a) TM 134, Lot 37, a vacant 1.2 acre parcel which abuts St. Georges Greek Orthodox Cathedral at 628 Hanover Street;
- (b) TM 478, Lot 8A, a vacant and narrow (55' wide) 1.4 acre parcel located off the south side of Candia Road just east of Interstate 93;
- (c) TM TPK3, Lot 5A, a vacant 0.25 acre parcel abutting Second and Granite Streets immediately west of the southbound I-293 on-ramp on Granite Street; and
- (d) TM516, Lot 7 (5,047 s.f.), Lot 8 (6,867 s.f.) and Lot 9 (9,664 s.f.) located off Garvin Avenue.

**Surplus Determination:**

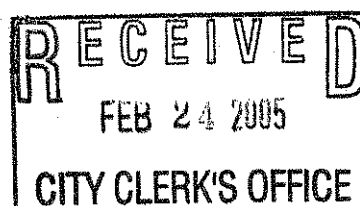
The Planning Department has reviewed the lands in question and we have determined that none of these parcels are practically available for disposition to Pastor Georges for the following reasons:

- (a) TM 134, Lot 37, has previously been committed to another party (the MHRA) by the Board of Mayor and Aldermen;
- (b) TM 478, Lot 8A, was legally established as a formal "buffer" zone between the north end of the East Industrial Drive development area and the abutting residential district to the west – its status as a "buffer" parcel is therefore "locked down" and is not subject to change;
- (c) TM TPK3, Lot 5A, has previously been committed to another party (the Raphael Club) by the Board of Mayor and Aldermen;
- (d) TM516, Lot 7, Lot 8 and Lot 9, are all located in wetlands and are non-buildable lands.

We recommend that each of these parcels not be considered available for disposition to the current applicant for the reasons cited above.

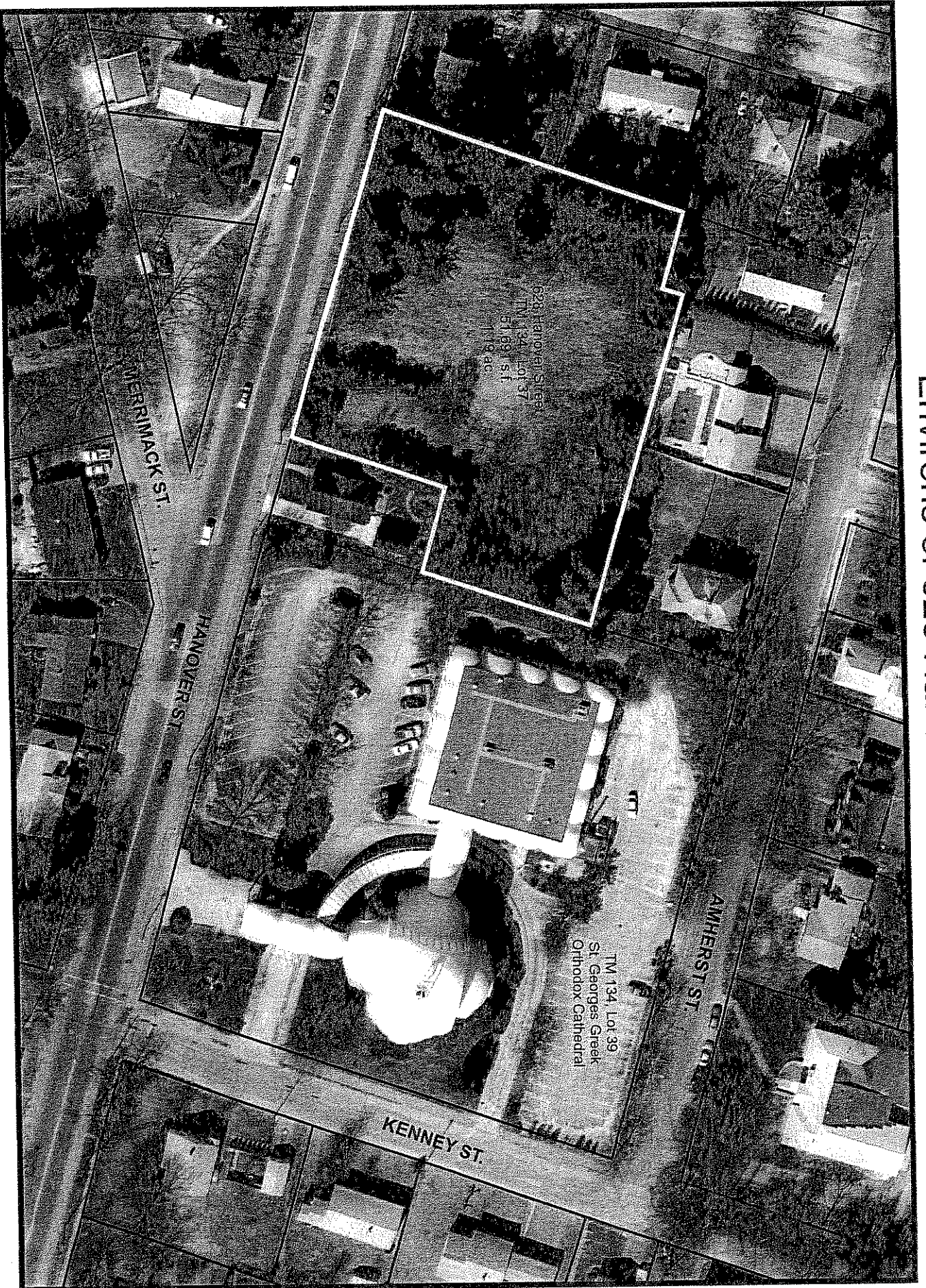
Sincerely,

Robert S. MacKenzie  
Director of Planning



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# Environs of 628 Hanover Street



TM 134 Lot 39  
St. Georges Greek  
Orthodox Cathedral

628 Hanover St.  
TM 134 Lot 37  
50,691 s.f.  
119.80

MERRIMACK ST.

HANOVER ST.

KENNEY ST.

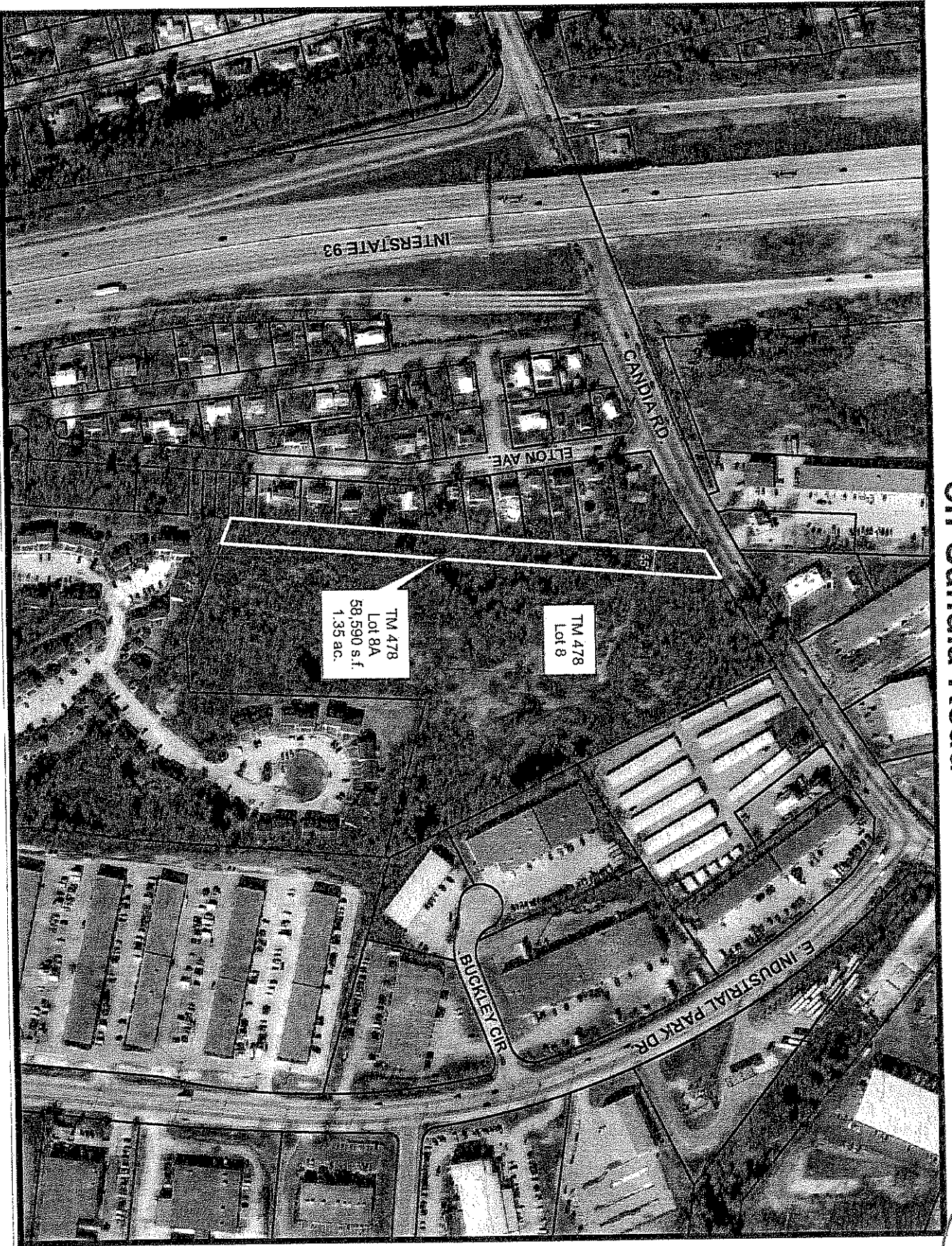
AMHERST ST.

125 62.5 0 125 Feet

Map created on February 14, 2005, by the City of Manchester Planning  
& Community Development Department (D. Beauchesne)

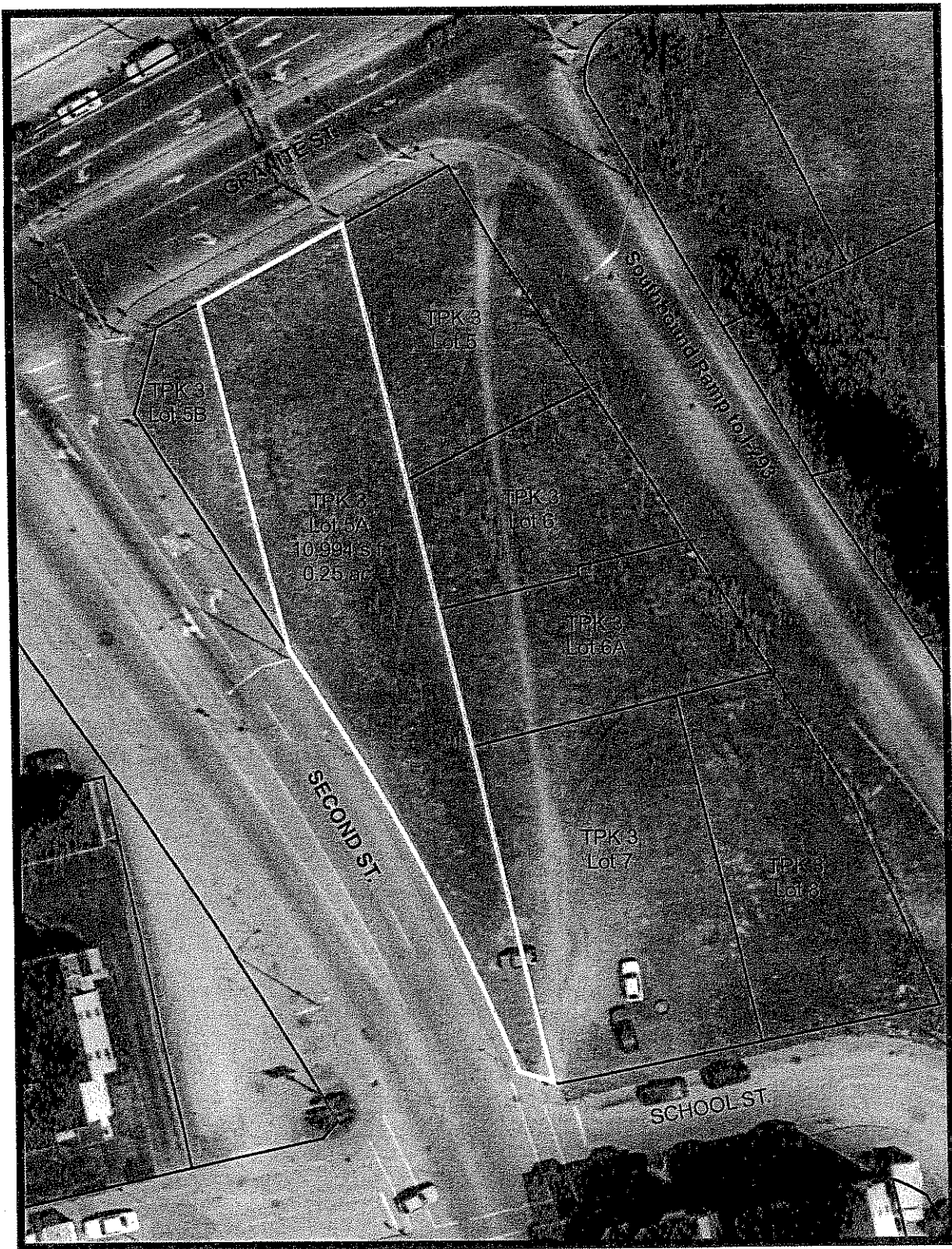


# Environs of TM 478, Lot 8A off Candia Road



Map created on February 11, 2005, by the City of Manchester Planning  
& Community Development Department (D. Beauchesne)

# Environs of TPK 3, Lot 5A on Second Street



40 20 0 40 Feet  
1 inch equals 50 feet

Map created on February 14, 2005, by the City of Manchester Planning & Community Development Department (D. Beauchesne)



# Environs of TM 516, Lots 7, 8 & 9



TM 516  
Lot 9  
9,664 s.f.  
0.22 ac.

TM 516  
Lot 7  
5,047 s.f.  
0.12 ac.

TM 516  
Lot 8  
6,887 s.f.  
0.16 ac.

Sleggo Brook

Portsmouth Branch Rail ROW

75 37.5 0 75 Feet



Map created on January 26, 2005, by the City of Manchester Planning & Community Development Department (D. Beauchesne)

RECEIVED  
MANCHESTER, N.H.  
FEB 16 10 52  
ALFANO, BAROFF & KASTEN

Professional Association

Attorneys

10 Commerce Park North ■ Suite 13B ■ Bedford ■ New Hampshire 03110

Phone: 603.647.4200 ■ Fax: 603.647.4664

Michael J. Kasten, Esq.

Direct Dial: 603.668.9330

[mkasten@alfanobaroff.com](mailto:mkasten@alfanobaroff.com)

February 11, 2005

Board of Mayor and Alderman  
Attn. Committee on Lands and Buildings  
One City Hall Plaza  
Manchester, N.H. 03101

City of Manchester  
Office of City Clerk  
Attn. Tom Arnold, Esq.  
One City Hall Plaza  
Manchester, N.H. 03101

Re: Boundary Line Agreement Lot #37, Tax Map #506, West Shore Avenue,  
Manchester, N.H.

Dear Committee on Lands and Buildings and Tom,

I represent Steve and Anna Sacco, the owners of the above-referenced lot which abuts City owned property at the intersection of West Shore Avenue and Bodwell Road abutting Crystal Lake. The Saccos recently completed a survey of the property revealing an discrepancy in the boundary line between the Sacco's lot and the City's lot.

The Saccos and their engineer, Joseph Wichert, have met with Mr. Miccio of the Highway Department to discuss the boundary line issue and arrive at a plan.

Based on these discussions, we are proposing entering into a Boundary Line Agreement to place the boundary line at the location set forth on the attached plan.

I have enclosed the following materials:

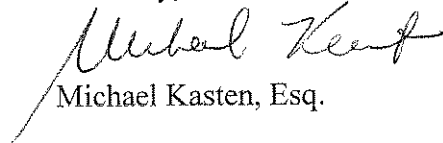
- a. A Plan showing the area of discrepancy and the proposed Boundary Line.
- b. A proposed Boundary Line Agreement to be recorded in the Hillsborough County Registry of Deeds.

On behalf of the Saccos, I would greatly appreciate if the Committee could put this on its agenda at the next regularly scheduled meeting and inform us, through Tom Arnold, of your recommendation and decision.

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Should you have any questions, please do not hesitate to call.

Sincerely,

  
Michael Kasten, Esq.

cc. Steve and Anna Sacco  
Joseph Wichert, L.L.S.

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### BOUNDARY LINE AGREEMENT

THIS BOUNDARY LINE AGREEMENT is made as of this \_\_\_\_ day of \_\_\_\_\_, 2005 by and between Stephen Sacco and Anna Sacco as owner of Tax Map 506 Lot 37 (as defined below) ("Lot 37 Owner"), and The City of Manchester as owner of Tax Map 815 Lot 2 (as defined below) ("Lot 2 Owner").

### RECITALS

Whereas, the Owner of Lot 37 and the Owner of Lot 2 own adjoining land in the City of Manchester, Hillsborough County, New Hampshire;

;

Whereas, Lot 37 Owner acquired title to Lot 37 by virtue of a deed recorded in Book 5176, Page 1674 in the Hillsborough County Registry of Deeds (the "Registry");

Whereas, Lot 2 Owner acquired title to Lot 2 by virtue of a deed from recorded in Book 1017, Page 40 in the Registry;

Whereas, the boundary line between Lot 37 and Lot 2 is in dispute and cannot be located by reference to the data in the relevant deeds or on the ground by reason of the loss or obliteration of the monuments and boundaries named therein; and

Whereas, The Survey prepared by Joseph M. Wichert, LLS described herein, locates numerous bounds set in the area and although there are plans of the property on record, the existence of numerous bounds and the lack of detail on the prior plans results in the boundary line being in dispute; and

Whereas, Lot 37 Owner and Lot 2 Owner desire to settle the dispute and establish the precise boundary line in the manner provided in New Hampshire RSA 472.

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NOW THEREFORE, the Owner and Lot 37 and the Owner of Lot 2 agree as follows:

1. The Easterly boundary of lot 37 where it abuts lot 2 shall be and run as follows: Beginning at point on the easterly line of West Shore Avenue thence running S 18°23'56"E a distance of 41.26 feet to a point; thence S 10°33'25 E a distance of 95.00 feet to an iron rod; thence turning and running S 52°27'38 W a distance of 62.83 feet to a point; thence turning and running S , as shown on Plan of land entitled \_\_\_\_\_ dated \_\_\_\_\_ and recorded as Plan # \_\_\_\_\_ in the Hillsborough County Registry of Deeds.
2. The Owner of Lot 37 and the Owner of Lot 2 shall cause the Surveyor to place suitable and permanent monuments at each end and at each angle of the boundary so agreed upon and as shown on the Boundary Plan.
3. This Agreement shall constitute a full and final agreement and settlement of the dispute regarding the boundary line between Lot 37 and Lot 2.
4. The City of Manchester grants to Stephen and Ann Sacco, with quitclaim covenants, all property on the westerly side of the above described line.
5. Stephen and Ann Sacco grant to the City of Manchester, with quitclaim covenants, all property on the easterly side of the above described line.

WITNESS our signatures this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Stephen Sacco

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Ann Sacco

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2005, then personally appeared before me the above-named Stephen Sacco and Ann Sacco, and acknowledged the foregoing to be their free act and deed.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

City of Manchester

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: \_\_\_\_\_

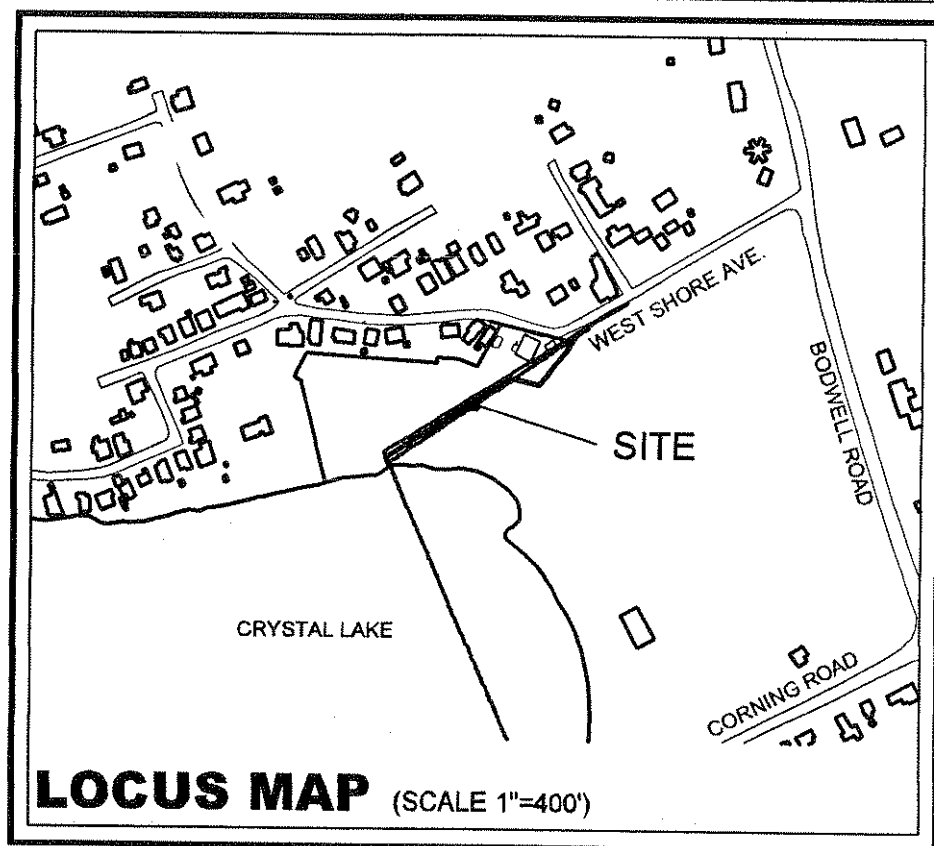
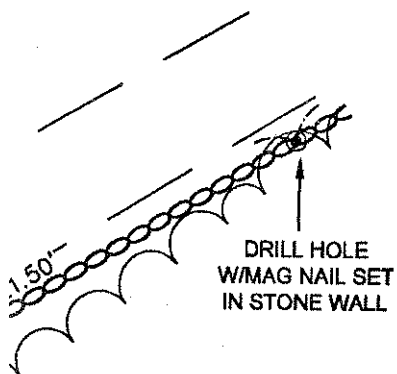
STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2005, then personally appeared before me  
the above-named \_\_\_\_\_, duly authorized \_\_\_\_\_ and  
acknowledged the foregoing to be of his free act and deed on behalf of the City of  
Manchester.

\_\_\_\_\_  
Notary Public:

My Commission Expires:

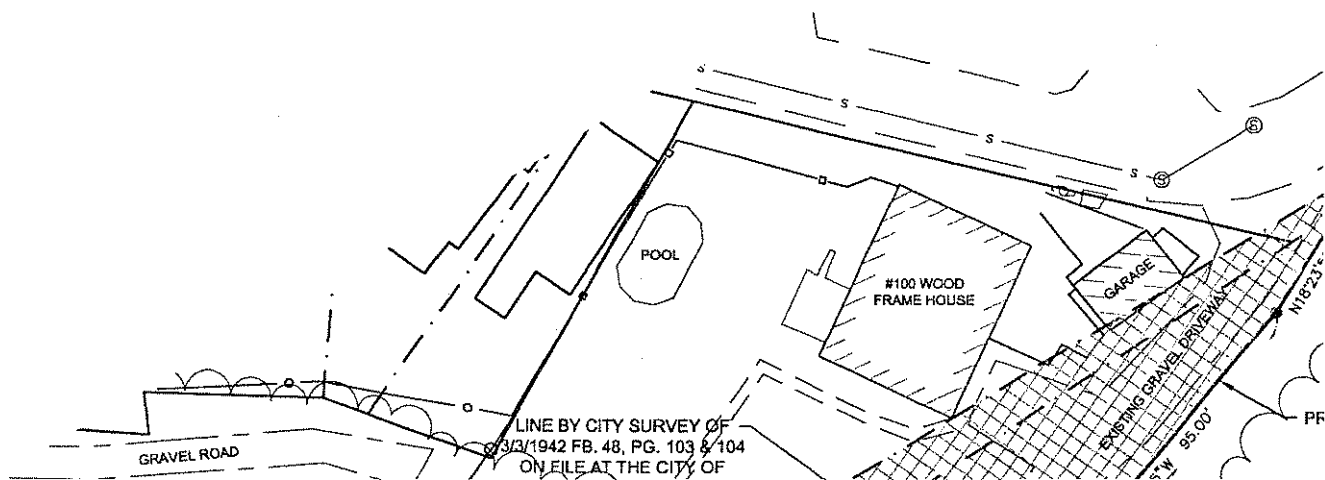
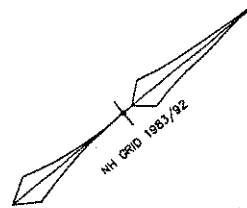
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## NOTES:

- 1.) THE SUBJECT PARCELS ARE LOT# 37 ON THE CITY OF MANCHESTER TAX MAP #506, OWNERS OF RECORD ARE STEPHEN AND ANNA SACCO OF 100 WEST SHORE AVENUE, MANCHESTER, NH 03109. V.5176 P.1674, AND LOT #2 ON THE CITY OF MANCHESTER TAX MAP #815, OWNER OF RECORD IS THE CITY OF MANCHESTER, ONE CITY HALL PLAZA, MANCHESTER, NH, 03101, V.1017 P.40.
- 2.) THE SUBJECT PARCEL IS ZONED R-1B. MINIMUM LOT SIZE IS 7,500 SQ. FT. MINIMUM LOT FRONTAGE = 75'. SETBACKS ARE AS FOLLOWS: FRONT = 20', SIDE = 10' AND REAR = 30'.
- 3.) THE INTENT OF THIS PLAN IS TO SHOW THE AGREED COMMON BOUNDARY LINE BETWEEN THE SUBJECT PARCELS.
- 4.) THE BEARINGS AND COORDINATE SYSTEM SHOWN ARE TIED INTO THE CITY OF MANCHESTER GIS SYSTEM USING GPS OBSERVATIONS.
- 5.) THE BOUNDARY LINES SHOWN ARE BASED ON AN ACTUAL FIELD SURVEY OF THE SUBJECT PARCEL IN APRIL - OCTOBER OF 2003. I, JOSEPH M. WICHERT, NHLLS #783 CERTIFY THAT THE WORK WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

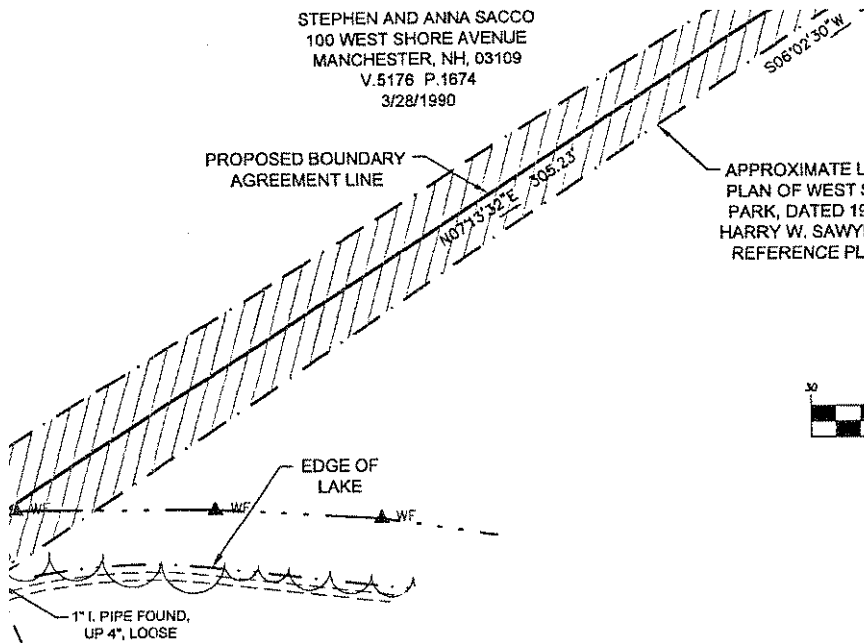
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STEPHEN AND ANNA SACCO  
100 WEST SHORE AVENUE  
MANCHESTER, NH, 03109  
V.5176 P.1674  
3/28/1990

PROPOSED BOUNDARY  
AGREEMENT LINE

APPROXIMATE LINE BY  
PLAN OF WEST SHORE  
PARK, DATED 1919, BY  
HARRY W. SAWYER, C.E.  
REFERENCE PLAN #2.



# GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

BOL

WE THE UNDERSIGNE  
LOCATION OF THE PRC  
COMMON LOT LINES BE



DEVINE  
MILLIMET

ATTORNEYS AT LAW

IN BOARD OF MAYOR & ALDERMEN

DATE: March 15, 2005

ON MOTION OF ALD. Forest

SECONDED BY ALD. Porter

refer to the Committee on  
**VOTED TO** Lands and Buildings.

*Le. A. Bernier*  
CITY CLERK

March 4, 2005

KAREN S. MCGINLEY  
603.695.8569  
KMCGINLEY@DEVINEMILLIMET.COM

Hand Delivery

Mr. Leo R. Bernier  
City Clerk  
City of Manchester  
One City Hall Plaza  
Manchester, NH 03101

Re: Proposed Air Rights Lease between the City of Manchester and Catholic Medical Center

Dear Mr. Bernier:

This firm represents Catholic Medical Center. Catholic Medical Center proposes to seek approval for the construction of a medical office building and parking garage on parcels of land located at the corner of McGregor Street and Foundry Street. As a part of that plan, a pedestrian walkway would extend from the proposed medical office building to the Catholic Medical Center building over McGregor Street.

Find attached to this letter a draft Air Rights Lease from the City of Manchester to Catholic Medical Center granting the right to cross McGregor Street. This draft lease was reviewed by the City Solicitor, Tom Clark.

Since the approval of the Board and Mayor and Aldermen of the City of Manchester is required for the Air Rights Lease, I request that this Lease be placed upon the next available agenda for a meeting of the Manchester Board of Mayor and Aldermen. Please advise me when that will be.

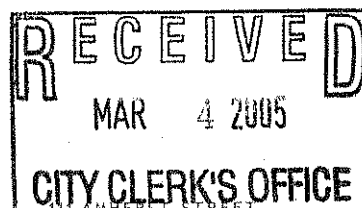
Thank you for your attention to this matter.

Very truly yours,

*Karen S. McGinley*

Karen S. McGinley

KSMcG:lmg  
enclosure



DEVINE, MILLIMET  
& BRANCH  
PROFESSIONAL  
ASSOCIATION

MANCHESTER  
NEW HAMPSHIRE  
03101

T 603.669.1000  
F 603.669.8547  
DEVINEMILLIMET.COM

MANCHESTER, NH  
ANDOVER, MA  
CONCORD, NH  
NORTH HAMPTON, NH

6

## AIR RIGHTS LEASE

THIS AIR RIGHTS LEASE is made pursuant to New Hampshire RSA Chapter 48-B as of the \_\_\_\_ day of \_\_\_\_\_, 2005, by and between THE CITY OF MANCHESTER, a municipal corporation having a place of business at One City Hall Plaza, Manchester, Hillsborough County, New Hampshire 03101 (hereinafter referred to as the "Lessor"), and CATHOLIC MEDICAL CENTER, a New Hampshire voluntary corporation with an address of 100 McGregor Street, Manchester, New Hampshire 03102 (hereinafter referred to as the "Lessee");

WHEREAS, Lessee is the owner of certain properties located on both the east side and the west side of McGregor Street, Manchester, New Hampshire, on which are located an acute care hospital at 100 McGregor Street, currently known as City of Manchester Tax Map \_\_\_\_, Lots \_\_\_\_\_ (the "Hospital Property") and certain parking lots to support the Hospital Property on the east side of McGregor Street directly across from the Hospital Property, currently known as City of Manchester Tax Map \_\_\_\_, Lots \_\_\_\_\_ (the "Current Parking Lots");

WHEREAS, Lessee has received site plan approval for the development of a medical office building (the "Medical Office Building") and multi-story parking garage (the "Parking Garage") on a portion of the Current Parking Lots;

WHEREAS, Lessee, for safety purposes intends to build an enclosed walkway to be located over McGregor Street to physically connect the Hospital Property with the Medical Office Building and the Parking Garage ("Walkway"); and

WHEREAS, McGregor Street is a public way.

Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, the Leased Premises (as hereinbelow defined) upon the terms and conditions set forth herein.

1. Leased Premises. The Leased Premises consist of all of the air space located within five (5) feet of each side of the Walkway above the following described land in the City of Manchester, County of Hillsborough and State of New Hampshire:

A portion of a public way known as McGregor Street, southerly of Bridge Street and northerly of Main Street, and bounded easterly by the westerly sideline of the Current Parking Lots and westerly by the easterly sideline of the Hospital Property, and at and above a horizontal line of \_\_\_\_\_ feet above McGregor Street, which will be the lowermost portion of the proposed Walkway, as more particularly shown on a plan entitled \_\_\_\_\_, dated \_\_\_\_\_, prepared by \_\_\_\_\_ and recorded as Plan # \_\_\_\_\_ in the Hillsborough County Registry of Deeds.

Also including four feet on each side of McGregor Street and at the established grade of McGregor Street ("Support Area Portion").

6

2. Purposes of Lease. This leasehold is granted to Lessee for the purpose of using, maintaining, repairing, reconstructing, replacing and/or relocating the Walkway which connects the Hospital Property to the Medical Office Building and the Parking Garage. These leasehold rights are to be appurtenant to the Hospital Property, and Lessee herein may not separately assign or convey title to these leasehold rights conveyed hereby separately from the Hospital Property, except to grant rights to the owners, their invitees, employees and agents of the Medical Office Building, the Parking Garage and the owner of the parking south of the foregoing to use the Walkway to walk to and from the Hospital Property to said properties. These leasehold rights expressly include the leasehold and other rights within the Support Area Portion to maintain, repair, reconstruct, replace and/or relocate whatever supports, footings, foundations, columns, walls or like structures necessary to support the Walkway and to hold such directional and/or identifying signage as may be approved by the Lessor's Planning Board and, if required, the Lessor's Zoning Board of Adjustment.

3. Consideration. Lessee, in consideration of the leasehold rights conveyed hereunder, has paid to Lessor the sum of One Dollar (\$1), and other good and valuable consideration., the receipt, sufficiency and delivery of which is hereby acknowledged.

4. Term. The term of this Lease shall be for a period of ninety-eight (98) years commencing on the date hereof and terminating on the ninety-eighth (98th) anniversary of the date hereof, unless said Walkway is removed by Lessee and not replaced within one (1) year after removal.

5. Indemnifications and Insurance Requirements. Lessee hereby agrees to protect, defend, indemnify and hold Lessor, its employees, agents, officers and servants free and harmless from any and all claims, losses, liens, demands and causes of actions of every kind and character, including, but not limited to, death or damages to property (including property of Lessor), the amounts of judgments, penalties, interests, court costs, legal fees and all other expenses incurred by Lessor, including claims, liens, debts, personal injuries, occurring or in any way incident to, in connection with or arising directly or indirectly out of Lessee's exercise of its rights under this Lease. Lessee agrees to investigate, handle, respond to, provide defense for and defend any such claims, demands or suits at the sole expense of Lessee. Lessee also agrees to bear all other costs related thereto, even if the claim or claims alleged are groundless, false or fraudulent. This provision is not intended to create any cause of action in favor of any third party against Lessee or Lessor or to enlarge in any way Lessee's liability but is intended solely to provide for indemnification of Lessor from liability for damages or injuries to third persons or property arising from Lessee's exercise of its rights hereunder.

6. Insurance. Lessee agrees to carry and maintain the following insurance coverages:

(a) Comprehensive General Liability insurance written on occurrence form, including completed operations coverage, personal injury liability coverage and products liability coverage. The minimum limits of liability covered on such insurance shall be One Million Dollars (\$1,000,000) each occurrence and where applicable, in the aggregate combined single limit for bodily injury and property damage liability; One Million Dollars (\$1,000,000) annual aggregate personal injury liability.

(b) Any and all deductibles on the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, Lessee.

(c) Insurance companies utilized must be admitted to do business in New Hampshire or be on the Insurance Commissioner's list of approved non-admitted companies and shall have a rating of (A) or better in the current edition of Best's Key, Rating Guide.

(d) Lessee shall furnish certificate(s) of the above mentioned insurance to the City of Manchester within fourteen (14) days from the date of this agreement and, with respect to the renewals of current insurance policies; at least thirty (30) days in advance of each renewal date. Such certificates shall name the City of Manchester as an additional insured and shall state that in the event of cancellation or material change (no endorsements added which would restrict or reduce coverage), written notice shall be given to the City of Manchester, Office of Risk Management, 27 Market Street, Manchester, New Hampshire 03101 at least thirty (30) days in advance of such cancellation or change.

(e) The purchase of the insurance required or the furnishing of the aforesaid certificate shall not be a satisfaction of Lessee's liability hereunder or in any way modify Lessee's indemnification responsibilities to the City of Manchester.

7. Maintenance. Lessee shall maintain and keep the Walkway in good repair and condition so as not to create a hazard or otherwise impede access along the traveled portion of McGregor Street located under the Leased Premises and adjacent to the Support Area Portion.

8. Assessments and Utilities. Lessee shall be responsible for all assessments, property taxes and utility charges which may be assessed in connection with the improvements constructed within the Leasehold Premises and shall directly pay for all utilities including, but not limited to, water, sewer, power, heat, air conditioning, telephone service and other utilities utilized by Lessee at the Leasehold Premises.

9. Liens. Lessee agrees to indemnify and hold Lessor free and harmless from any judgment rendered against Lessor for any claim, suit or action relating to labor or materials supplied for any work done by Lessee, its agents or contractors' employees on or in connection with the Leased Premises. Lessee agrees, that in the event that any so-called mechanics lien is granted against the Leased Premises, it shall defend said claim in good faith and in a diligent manner to completion.

10. Condemnation. If the whole of the Leased Premises, or such portion thereof as will make the Leased Premises unsuitable for the purposes herein, is condemned for any public use or purpose, by any legally constituted authority, in either of such events this Lease shall cease from the time when possession is taken by such public authority and the rent and any other payments due shall be prorated between the parties as of the date of the surrender of possession. Any award made by the condemning authority on account of the Leased Premises shall be allocated by and between the parties hereto as their interests existed prior to such termination. Lessee expressly reserves the right to recover all awards or damages relating to the Walkway.

11. Remedy in the Event of Failure to Perform. (a) In the event Lessee fails to perform the covenants and conditions required herein to be kept and performed by Lessee, and such failure continues for a period of thirty (30) days from the date of written notice from Lessor of said failure, then Lessor, as its sole remedy, may cure such failure and be entitled to recover from Lessee the cost of such cure, including reasonable attorney's fees from Lessee; provided, however, that: (i) if the nature of the failure is such that it cannot be cured in a period of thirty (30) days from the date of said failure, and (ii) Lessee shall commence good faith efforts to cure such failure immediately upon receipt of such notice, and (iii) such efforts are diligently prosecuted to completion, to Lessor's satisfaction, then it shall be deemed that no failure to perform shall have occurred under the provisions of this subsection.

(b) Lessor agrees to provide each mortgagee of the Leased Premises, the existence of whom Lessor has received notice from Lessee pursuant to Section 12 below, with simultaneous notice of a failure of performance and shall provide said mortgagee or mortgagees with an additional thirty (30) days to cure in the event Lessee fails to do so, and such mortgagee or mortgagees shall have the benefit of the "provided however" provision in subsection (a) of section 11(a) above in the event such failure to perform cannot reasonably be cured within a thirty (30) day period.

12. Notices. Every notice, approval, consent or other communication authorized or required by this Lease shall not be effective unless same shall be in writing and sent postage prepaid by United States registered or certified mail, return receipt requested, directed to the party at the following address:

If to Lessor: City of Manchester  
City Clerk  
One City Hall Plaza  
Manchester, New Hampshire 03101

If to Lessee: Mr. Raymond Bonito, COO  
Catholic Medical Center  
100 McGregor Street  
Manchester, NH 03102  
Telecopy: 603/663-6850

With a copy to: Karen S. McGinley, Esq.  
Devine, Millimet & Branch, Professional Association  
111 Amherst Street, P.O. Box 719  
Manchester, NH 03105-0719  
Telecopy: 603/669-8547

Or such other address as either party may designate by notice given from time to time in accord with the requirements of this section.

13. Non-Discrimination. Lessee, for itself, its personal representatives, successors in interest, and assigns does hereby covenant and agree as a condition running with the land that: (i) no person on the grounds of race, color or national origin shall be excluded from participation in, denied the use of said facilities, and (ii) that in construction of any improvements on, over, or under the Leased Premises and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination.

14. Notice with City Clerk. Pursuant to N.H. RSA Chapter 48-B:5 Lessee agrees to place on file with the Manchester City Clerk the names and addresses of all officers and directors of Lessee.

15. Taxability. Lessee is a non-profit corporation exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of the United States. Lessee agrees that, in the event that the Hospital Property is owned in the future by a taxable entity and in the event a court of competent jurisdiction determines N.H. RSA 48-B:4 to be inapplicable, the future lessee hereunder shall pay annually to the City of Manchester a sum of money in lieu of real estate taxes which would otherwise be assessed in such year pursuant to said RSA 48-B:4.

16. Subletting and Assignment. Lessee may sublet and assign and mortgage this Lease in whole or in part without the written consent of the City of Manchester, so long as such subletting and assignment is not performed separately from a sale or lease of the Hospital Property.

17. Succession. This Agreement shall apply to and bind the heirs, executors, administrators, legal representatives and successors in interest of the respective parties.

18. Severability. Each term, condition and provision of this agreement shall be valid and enforced to the fullest extent permitted by law. If any term, condition or provision of this agreement, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent by any court of competent jurisdiction or legislative act, then the remainder of this agreement, or the application of any such term, condition, or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby.

19. Entire Agreement. All representations, warranties, statements, understandings and agreements made by the parties hereto with respect to the subject matter hereof are merged into this agreement (and any exhibits attached hereto and specifically referenced by this agreement), which alone fully and completely expresses the parties' respective obligations. This Lease may be modified or amended only by written agreement of the parties.

20. Authority. The parties hereto represent and warrant to each other that each has the authority to enter into this agreement, that this agreement has been duly authorized by all necessary acts, and that this agreement constitutes and will constitute a binding obligation of each such party.

21. Governing Law. This Lease and the performance thereof shall be governed, interpreted, construed and regulated by the laws of the State of New Hampshire.

22. Notice of Lease. there shall be recorded in the Hillsborough County Registry of Deeds a Notice of this Lease that complies in content and form with New Hampshire RSA Section 477:7-a. Lessor and Lessee shall execute and deliver a Notice of Lease in such form for such purpose.

DATED: This \_\_\_\_ day of \_\_\_\_\_, 2005.

WITNESS

CATHOLIC MEDICAL CENTER

\_\_\_\_\_

By: \_\_\_\_\_  
\_\_\_\_\_, its duly  
authorized \_\_\_\_\_

CITY OF MANCHESTER

\_\_\_\_\_

By: \_\_\_\_\_  
Robert Baines, Mayor  
Duly Authorized

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

On this, the \_\_\_\_ day of \_\_\_\_\_, 2005, before me, the undersigned officer, personally appeared the above named \_\_\_\_\_, the duly authorized \_\_\_\_\_ of Catholic Medical Center, a New Hampshire voluntary, and that he, as such \_\_\_\_\_, being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of the voluntary corporation.

\_\_\_\_\_  
Notary Public/Justice of the Peace  
My Commission Expires: \_\_\_\_\_

6

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

On this, the \_\_\_\_ day of \_\_\_\_\_, 2005, before me, the undersigned officer, personally appeared Robert Baines, who acknowledged himself to be the Mayor of the City of Manchester, and that he, as such Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

\_\_\_\_\_  
Notary Public/Justice of the Peace

My Commission Expires: \_\_\_\_\_

J:\wdox\docs\clients\01147\72110\M0682692.DOC

6



March 2, 2005

Board of Mayor and Alderman  
c/o City Clerk's Office  
1 City Hall Plaza  
Manchester, NH 03101

Gentlemen;

My name is Louis Nixon, and I am writing to you today on behalf of my clients, Carol Gosselin and Bonita Kershaw. They are the daughters of Irene Richardson, deceased and the former owner/resident of 534 Douglas St. in Manchester. I am a Real Estate Broker, and am working to help Carol and Bonita sell the home on Douglas St. that was left to them when their mother passed away. The home on Douglas St. is on the banks of the Piscataquog River about ¼ mile south of the end of Whittemore St., and has been there since 1901. Between the house and Douglas St. runs the old New Hampshire Central railroad bed, now owned by the City of Manchester and slated to be a recreation walking trail.


The issue which we are bringing before you is this: In the process of completing the Sale of this home, a title search has revealed that there does not appear to be any type of easement on record for access across the railroad bed to 534 Douglas St. or the neighbor at 526 Douglas St. Apparently New Hampshire Central Railroad or whomever the owner of record was did not record an easement. There is a short roadway from Douglas St. up to these two homes that the city maintains, but without an easement across the railroad bed the Buyer cannot get Title Insurance, and the property that has been there for 104 years cannot be transferred.

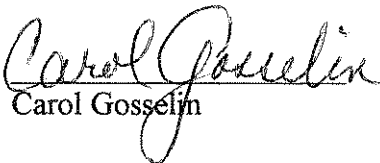
My clients are requesting that you, the Board of Mayor and Alderman or the appropriate committee, review this issue and grant the appropriate size easement for access to this property. There are several other homes in that area of Douglas St. that access their property across the old railroad bed, so there is some precedent in the area. Because my clients have a Sales Agreement in process and time is of the essence, they are respectfully requesting an expeditious determination by the Board and/or Committee.

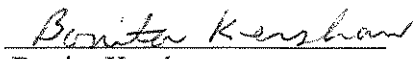
Should you have questions or need more information please don't hesitate to contact me, either at 603-234-4018 or at 603-206-9818.

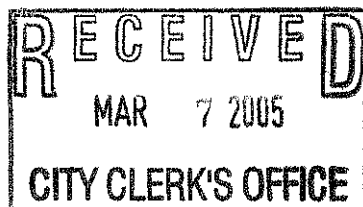
On behalf of my clients, thank you in advance for your prompt consideration and resolution of this issue.

Kind regards,

  
Louis Nixon

  
Carol Gosselin

  
Bonita Kershaw



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# Know All Men By These Presents

55 E (2)

THAT I, Jeannette G. Jolicoeur, of Manchester, Hillsborough County, New Hampshire,

for and in consideration of the sum of one dollar and other valuable considerations to grantor in hand, before the delivery hereof, well and truly paid by grantees hereafter named, do hereby grant, bargain, sell, and convey unto

Maurice E. Lemire and Irene R. Lemire, husband and wife, of Manchester, Hillsborough County, New Hampshire, as JOINT TENANTS, with right of survivorship, but not as tenants in common, their assigns and the heirs and assigns of the survivor, forever.

A tract of land, with the buildings thereon, situate in said Manchester, bounded and described as follows, to wit:-

Beginning at a point on the west line of New Hampshire Central Railroad and the south line of land formerly owned by one Hosford; thence southerly by said railroad land about 157 feet to the south gate post as the fence now stands; thence westerly about 126 feet to the top of the bank of the Piscataquog River, the line running between two pines; thence northerly by the top of the bank of said river about 102 feet to the south line of said Hosford land; thence easterly by said Hosford land about 83 feet to the point of beginning.

Being the same premises conveyed to Jeannette G. Jolicoeur by Manchester Federal Savings and Loan Association by deed dated June 6, 1941, recorded in Volume 1017, Page 168 of the Hillsborough County Registry of Deeds.



TO HAVE AND TO HOLD the said premises, with all privileges and appurtenances to the same belonging, to the said grantees, and the survivor of them, their heirs and assigns, to their use forever. And the said grantor for himself and his heirs, executors, and administrators covenant that he is the owner of said premises, seized thereof in fee simple, with full power and authority to grant and convey the same in manner aforesaid, that the premises are free and clear from all encumbrances,

and that the grantor, his heirs, executors and administrators, shall warrant and defend the same to the said grantees and their heirs and assigns against the lawful claims and demands of all persons whomsoever.

AND I, Donat Jolicoeur,

we are husband and wife, and-

all right of dower, curtesy, homestead, and other interest in said premises, -wife husband of the grantor release

WITNESS our hand and seal this 28th day of August 19 52.

Signed, sealed and delivered in the presence of

B. P. Browne to both

Jeannette G. Jolicoeur  
Donat Jolicoeur

STATE OF NEW HAMPSHIRE, HILLSBOROUGH, SS. August 28, 19 52.

Personally appeared Jeannette G. Jolicoeur and Donat Jolicoeur

known to me to be the above named, and acknowledged the foregoing to be their free act and deed. Before me,

B. P. Browne  
Notary Public - Justice of the Peace.

HILLSBOROUGH SS: Received and recorded

Examined by Donat Jolicoeur

Register



# CITY OF MANCHESTER

## Office of the City Clerk



Leo R. Bernier  
City Clerk

Carol A. Johnson  
Deputy City Clerk

Paula L-Kang  
Deputy Clerk  
Administrative Services

Matthew Normand  
Deputy Clerk  
Licensing & Facilities

Patricia Plecuch  
Deputy Clerk  
Financial Administration

### MEMORANDUM

To: Frank C. Thomas, PE  
Public Works Director

From: Paula L-Kang *PLK*  
Deputy Clerk

Date: March 7, 2005

Re: Easement (534 Douglas Street)

Enclosed please find a copy of a communication from Mr. Louis Nixon on behalf of Carol Gosselin and Bonita Kershaw owners of the above-referenced property.

Alderman Lopez on behalf of Alderman Thibault has asked that this be forwarded to you for your review and report back to the Committee on Lands and Buildings. Please note that as of this date the next meeting of the Committee has been scheduled for Monday, April 18, 2005 at 5:30 PM.

If there is anything further you may need, please do not hesitate to contact me.

Enclosure



**City of Manchester  
Parks, Recreation & Cemetery Department**

Inter-Office Correspondence

---

Memo to: Mr. Leo Bernier, City Clerk

From: Ron Ludwig *RL*

Date: September 7, 2004

Re: Request for Information Dog Park  
West Mitchell/Pine Grove Cemetery

RECEIVED  
MANCHESTER  
SEP 8 2004  
10:59

Attached is the information requested from the Committee on Lands and Buildings at their July 27, 2004 meeting. According to the memo from the Clerks Office no date has been set for this meeting at this point. Could you kindly include our response to the Request for Information on the next agenda? Thank You.

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**CITY OF MANCHESTER**  
**Parks, Recreation & Cemetery Department**

625 Mammoth Road  
Manchester, NH 03104-5491  
(603) 624-6565 Administrative Office  
(603) 624-6514 Cemetery Division  
(603) 624-6569 Fax

**COMMISSION**

George "Butch" Joseph, Chairman  
Steve Johnson, Clerk  
Michael Worsley  
Dennis Smith  
Sandra Lambert  
Ronald Ludwig, Director

September 7, 2004

Committee on Lands and Buildings  
Alderman Henry Thibault, Chairman  
One City Hall Plaza  
Manchester, NH 03101

Re: Request for Information  
Property off West Mitchell St./Pine Grove Cemetery  
Possible Dog Park

RECEIVED  
MANCHESTER CITY C. ERA  
04 SEP -8 P 2:00

Dear Committee Members,

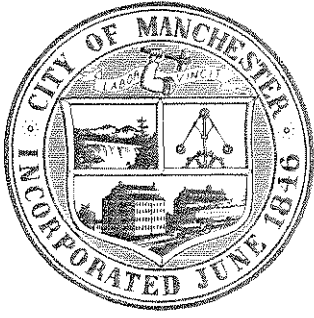
The Department has been asked to respond to a request to possibly locate a Dog Park off West Mitchell ST behind the Brown and Mitchell Softball Field in the Pine Grove Cemetery. After speaking with the Cemetery Supervisor, Mr. Gerry Coulter, and other members of our staff we have determined that this site would not be an appropriate location. Even though it appears that a large amount of space exists in this area it is still in close proximity to Cemetery lots and graves that have already been sold. Also in the opinion of those who have years of experience at the Cemetery, a Dog Park would not be a good fit when the services are being conducted in this general location.

As also requested, I will continue to keep an eye open for other sites that may be a better fit for this type of facility.

Should the Committee have additional questions I would be more than happy to respond.

Sincerely,

Ronald E. Ludwig  
Director



**City of Manchester  
Department of Highways**

227 Maple Street  
Manchester, New Hampshire 03103-5596  
(603) 624-6444 Fax # (603) 624-6487

**Commission**

Edward J. Beleski  
- Chairman  
Henry R. Bourgeois  
William F. Kelley  
Michael W. Lowry  
William A. Varkas

Frank C. Thomas, P.E.  
Public Works Director

Kevin A. Sheppard, P.E.  
Deputy Public Works Director

September 9, 2004

Land and Buildings Committee of the  
Honorable Board of Mayor and Aldermen  
CITY OF MANCHESTER  
One City Hall Plaza,  
Manchester, New Hampshire 03101

**Re: Dog Park Site**

Dear Committee Members:

I am writing in response to the Committee's request for input into the site selection for a dog park. Two of the sites warrant our comment:

- The *first* site is located off of Straw Road. We would not recommend this site for several reasons, including the site is utilized for material storage, the site does have areas of wetland and the access to the site is not desirable. Due to the limited storage capacity at our Dunbarton Road site, we will need to continue storing material at this location.
- The *second* site is the landfill and/or the small area of land to the west of the existing Animal Shelter. These areas would be acceptable subject to the areas being fenced and having a controlled access.

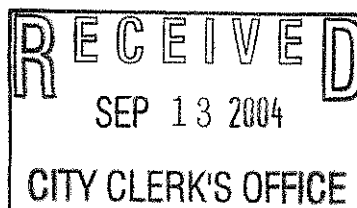
Although the park may potentially be located on land of the Highway Department, it is our assumption that all maintenance of the area will be done by a private group. I will be available should you have any questions pertaining to this matter.

Sincerely,

Kevin A. Sheppard, P.E.  
Deputy Public Works Director

/cd

cc: Frank C. Thomas, P.E.  
Alderman Betsi DeVries



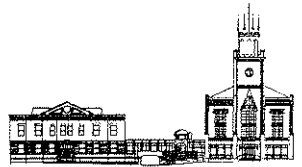


Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

November 10, 2004

Lands & Buildings Committee  
Honorable Board of Mayor and Aldermen  
City Hall  
One City Hall Plaza  
Manchester, New Hampshire 03101

*re: Dog Park*

Honorable Committee Members:

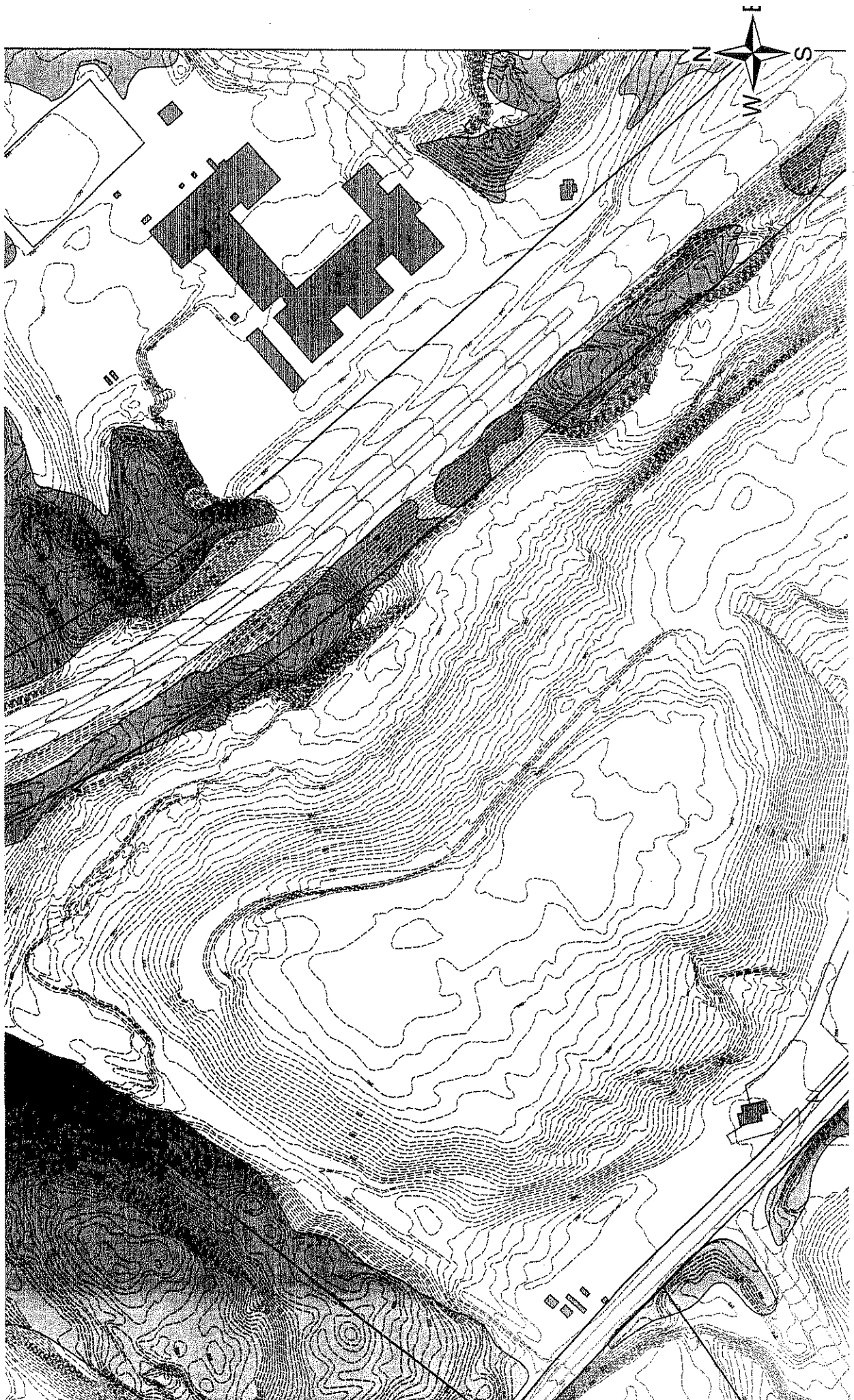
This is in regards to the search for a suitable location for a dog park. Of the sites that have been mentioned, it would be our opinion that the landfill area would be the most suitable location.

If you have any questions, I will be available at your next meeting.

Sincerely,

Robert S. MacKenzie, AICP  
Director of Planning

One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)



Landfill Site

8





Shew Road Site

8

8



West Mitchell St. Site

Tailed 7-27-04  
1/10/05 - " " "



## New Hampshire Flying Tigers R/C Club, Inc.

P.O. Box 99  
Derry, NH 03038  
[www.newhampshireflyingtigers.org](http://www.newhampshireflyingtigers.org)

February 13, 2004

Mr. Frank Thomas  
Director of Public Works  
227 Maple Street  
Manchester, NH 03103

Mr. Thomas,

This letter is to follow up on our prior correspondence and telephone calls about the use of the Dunbarton Road Sanitary Landfill for model activities by the NH Flying Tigers R/C Club.

The NH Flying Tigers is a non-profit organization incorporated in the State of New Hampshire. We have been in existence since the early 1970's. Our membership typically varies between 50 and 70 members covering the ages of 7 to 70. A normal day may find between 5 to 10 people at our flying field as not all of our members actively fly, some fly during the week while others fly on weekends. We maintain our own facilities, and have a set of rules and procedures in place to ensure the environment is kept clean and that our members always consider safety first while respecting our neighbors. We would expect no additional costs or burdens to the City of Manchester as we are totally self sufficient.

Our club is chartered by the Academy of Model Aeronautics (AMA) which is a national organization. We require each of our members to also be a member of the AMA. Membership in the AMA includes liability insurance for each member and our club. Our AMA insurance allows us to name the landowner of our flying site onto our policy to provide \$2,500,000.00 of primary liability coverage for the landowner at no cost to the landowner.

We feel that the Dunbarton Road Sanitary landfill and model activities are a perfect match. Use of a landfill for model activities is not unprecedented. I can also supply you with a list of over 150 landfills across the United States, including some in the State of New Hampshire, which are being used by organizations such as the NH Flying Tigers.

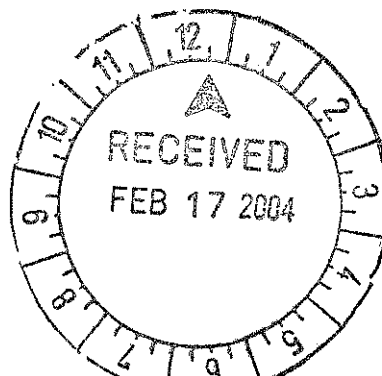
The New Hampshire Flying Tigers R/C Club would love to work with the City of Manchester to make the Dunbarton Road Sanitary Landfill a useful part of the community and something that the City of Manchester would be proud of.

Please consider this an official request of The New Hampshire Flying Tigers Radio Control Club for exclusive use of the Dunbarton Road Sanitary Landfill by our members and guests for model activities.

Sincerely,

Rich Bono

7 Redfield Circle  
Derry, NH 03038  
phone: (603) 216-2180



9



**City of Manchester  
Department of Highways**

227 Maple Street  
Manchester, New Hampshire 03103-5596  
(603) 624-6444 Fax # (603) 624-6487

Tabled 5-10-04  
Remained on table  
5/26/04

**Commission**

James E. Connolly, Jr.  
- Chairman  
Henry R. Bourgeois  
William F. Kelley  
Edward J. Beleski  
Peter Favreau

Frank C. Thomas, P.E.  
Public Works Director

Kevin A. Sheppard, P.E.  
Deputy Public Works Director

March 10, 2004

Committee on Lands and Buildings of the  
Honorable Board of Mayor and Aldermen  
One City Hall Plaza  
Manchester, New Hampshire 03101

**Attn:** Leo R. Bernier, City Clerk

**Re:** *New Hampshire Flying Tigers R/C Club, Inc.*

Dear Committee Members:

Attached, please find a request from the referenced club for the use of the Dunbarton Road Sanitary Landfill for model activities. In discussion with Frank Thomas, we would support this use, subject to the negotiation of an agreement which is acceptable to the City.

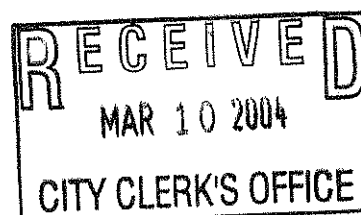
Your review and comment on this request would be appreciated. We are available to answer any questions you may have on this matter.

Sincerely,

Kevin A. Sheppard, P.E.  
Deputy Public Works Director

/cd

cc: Frank C. Thomas, P.E.  
CLD Engineers Inc.  
NH Flying Tigers R/C Club, Inc.



9



**City of Manchester  
Department of Highways**

227 Maple Street  
Manchester, New Hampshire 03103-5596  
(603) 624-6444 Fax # (603) 624-6487

7/27/04 - Retabled pending  
review of dog park  
information - attached

**Commission**

Edward J. Beleski  
- Chairman  
Henry R. Bourgeois  
William F. Kelley  
Michael W. Lowry  
William A. Varkas

Frank C. Thomas, P.E.  
Public Works Director

Kevin A. Sheppard, P.E.  
Deputy Public Works Director

June 8, 2004

Land and Buildings Committee of the  
Honorable Board of Mayor and Aldermen  
CITY OF MANCHESTER  
One City Hall Plaza,  
Manchester, New Hampshire 03101

**Attn:** Mr. Leo R. Bernier, City Clerk

**Re:** *New Hampshire Flying Tigers R/C Club, Inc.*

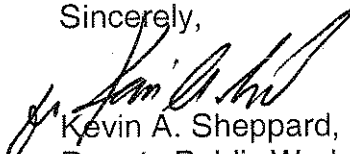
Dear Committee Members:

I am writing to inform you that the Highway Commission at their meeting of June 7<sup>th</sup>, discussed the referenced club's request to utilize the landfill. On a motion by Commissioner Henry Bourgeois, seconded by Commissioner William Kelley, the Commission has agreed to allow use of the landfill subject to the following:

- Approval by the Board of Mayor and Aldermen,
- Six month trial period,
- Negotiation of a usage agreement which must be approved by the City Solicitor's Office.

Your review and comment on this matter would be appreciated.

Sincerely,

  
Kevin A. Sheppard, P.E.  
Deputy Public Works Director

/cd

cc: Frank C. Thomas, P.E.  
NH Flying Tigers R/C Club, Inc.

9



## New Hampshire Flying Tigers R/C Club, Inc.

P.O. Box 99  
Derry, NH 03038  
[www.newhampshireflyingtigers.org](http://www.newhampshireflyingtigers.org)

January 30, 2004

Mr. Frank Thomas  
Director Public Works  
227 Maple Street  
Manchester, NH 03103

Mr. Thomas,

Thank you so much for offering to work with the NH Flying Tigers Radio Control Club on the possible use of the Manchester Landfill. We visited the landfill in September and are excited by the possibilities of using the landfill for the flying of model aircraft. We feel the site would be perfect for this activity.

I would like to discuss this opportunity further with you. I'm sure that you have many questions for us. The NH Flying Tigers is a non-profit organization incorporated in the State of New Hampshire. Our membership typically varies between 50 and 70 members, between the ages of 7 to 70. We normally have about 5 to 10 people at our current flying field on any average day, not all of our members are actively flying. Some fly during the week while others fly on weekends. Please visit our web site [www.newhampshireflyingtigers.org](http://www.newhampshireflyingtigers.org) to read more about us.

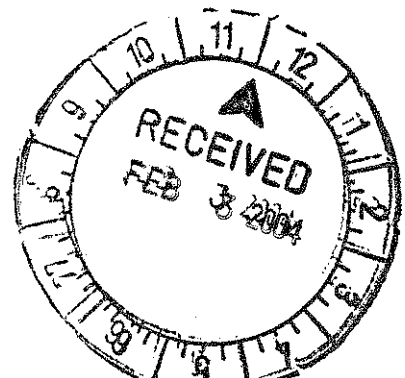
Our club is chartered by the Academy of Model Aeronautics (AMA) which is a national organization. We require each of our members to also be a member of the AMA. Membership in the AMA includes insurance for each member and our club. Another benefit of the AMA insurance is that we can name the landowner of our flying site onto our policy very easily. I have included some information on the AMA with this letter. You can read more about the AMA via their web site [www.modelaircraft.org](http://www.modelaircraft.org).

I have included a picture to show the area of the landfill which we would like to use as our main flying area. This is by no means final, but after our first visit it seems a logical location. I can also supply you with a list of over 150 landfills across the United States which are being used by model airplane flying clubs such as the NH Flying Tigers.

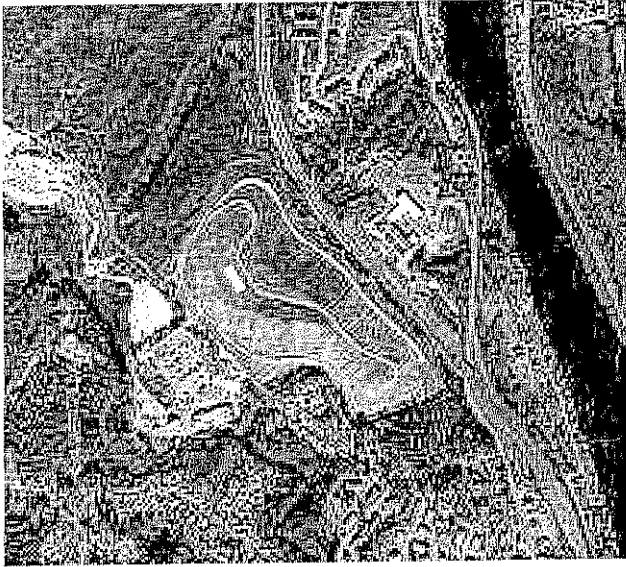
Please feel free to contact me to answer any questions and to suggest a time when we could meet to discuss this further. My daytime phone number is (603) 216-2180. Evenings I can be reached at (603) 432-9002.

Sincerely,

Rich Bono  
7 Redfield Circle  
Derry, NH 03038



This is a picture of the Manchester, NH landfill showing the proposed location for flying of R/C aircraft by the New Hampshire Flying Tigers R/C Club, Inc.



We would fly mainly east of the area shown as a proposed runway. Our current runway is grass, maintained by our members. The NH Flying Tigers owns a lawnmower for maintenance of our flying site.

It is expected that all flying would take place over the fenced in landfill area.

We propose that members park their cars on the north-west or west side of the proposed runway.

The area shown would work well for us by allowing an ample flying space while keeping the sun behind us and out of the pilot's field of view when flying.

We would be very happy to discuss alternates to this proposal.

9

# for your information

## ACADEMY OF MODEL AERONAUTICS



5161 East Memorial Drive Muncie, Indiana 47302 (765) 287-1256 FAX (765) 289-4248

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**AMA** is the Academy of Model Aeronautics.

**AMA** is the world's largest sport aviation organization, representing a membership of more than 170,000 from every walk of life, income level and age group.

**AMA** is a self-supporting, non-profit organization whose purpose is to promote development of model aviation as a recognized sport and worthwhile recreation activity.

**AMA** is an organization open to anyone interested in model aviation.

**AMA** is the official national body for model aviation in the United States. AMA sanctions more than a thousand model competitions throughout the country each year, and certifies official model flying records on a national and international level.

**AMA** is the organizer of the annual National Aeromodeling Championships, the world's largest model airplane competition.

**AMA** is the chartering organization for more than 2,500 model airplane clubs across the country. AMA offers its chartered clubs official contest sanction, insurance, and assistance in getting and keeping flying sites.

**AMA** is the voice of its membership, providing liaison with the Federal Aviation Administration, the Federal Communications Commission, and other government agencies through our national headquarters in Muncie, Indiana. AMA also works with local governments, zoning boards, and parks departments to promote the interests of local chartered clubs.

**AMA** is an associate member of the National Aeronautic Association. Through NAA, AMA is recognized by the Fédération Aéronautique Internationale (FAI), the world governing body of all aviation activity, as the only organization which may direct U.S. participation in international aeromodeling activities.

For more detailed information, contact the Academy of Model Aeronautics, 5161 E. Memorial Drive, Muncie, Indiana, 47302 or telephone 1-765-287-1256.

9





## AMA BENEFITS

### *World's Largest Aeromodeling Organization*

#### ORGANIZATION

##### Non-Profit

- Tax Exempt Under IRS Section 501(c)(3)
- Members Elect Corporate Officers
- Monthly Magazine
- Published Financial Information
- Active Representation with US Government Agencies (FAA, FCC, and Department of Interior)
- National and Regional
- Flying Site Development
- Serving Aeromodeling Since 1936
- Organizational Assets (\$11 million)
- Member of National Aeronautical Association

#### SERVICE TO AEROMODELING

##### Aeromodeling Videos

- Historic Preservation and Research (Museum, Archives, and Library)
- Recognition and Awards
- Scholarship Program
- Educational Programs
- Air Show Team Program
- Mall Show Program
- Fun Fly Activities (National, Regional, and Local)
- Web Page on Internet

#### COMPETITION SUPPORT

##### Member Developed Rules

- National Championships
- International Participation

#### CLUB SUPPORT

##### Flying Site Assistance

- Frequency Monitoring and Sound Measuring Equipment
- National Newsletter for Clubs
- Field Safety and Frequency Posters
- Club Officer Recognition
- Introductory Pilot Program
- Primary Site Owner Insurance

#### TECHNICAL SUPPORT

- Sound and Propeller Research
- Active Safety Advocacy
- Research Library
- Aviation Books
- Airfoil Technology Research

#### INSURANCE COVERAGE\*

- \$2,500,000 per occurrence. General liability coverage to members, clubs, siteowners
- \$25,000 Medical Coverage—AD&D Policy (\$10,000 Death Benefit)
- \$1,000 Fire, Theft, and Vandalism Policy
- Various Types of Aeromodeling Covered (RC, FF, and CL)
- Liability also covered for operations of:
  - Model Boats
  - Model Cars
  - Model Rockets

\*per terms of policies acquired by AMA

Academy of Model Aeronautics  
5161 East Memorial Drive  
Muncie IN 47302

Tel.: (765) 287-1256 Fax: (765) 289-4248 [www.modelaircraft.org](http://www.modelaircraft.org)

9

# Manchester Urban Ponds Restoration Program

One City Hall Plaza, Manchester NH 03101 (603) 624-6450 [www.manchester.nh.gov/UrbanPonds](http://www.manchester.nh.gov/UrbanPonds)

August 6, 2004

Lands & Buildings Committee  
Honorable Board of Mayor and Aldermen  
One City Hall Plaza  
Manchester, NH 03101

## Re: Black Brook/Maxwell Pond Stream Restoration Proposal

Honorable Committee Members:

The Manchester Urban Ponds Restoration Program (UPRP) was created in 2000 in an attempt to restore the city's urban ponds to their historic uses (such as boating, fishing, or swimming). The program attempts to promote public awareness, education and stewardship, reduce pollutant loading to improve water quality, maintain or enhance biological diversity, and provide improved recreational uses at each pond. One of the ponds in the program is Maxwell Pond.

Maxwell Pond has existed since 1900 when a dam was erected on Black Brook for the purpose of ice harvesting. Since that time the pond has been an ecosystem in need of restoration, since it has seen increased impacts from surrounding and upstream land uses over the last 50 years.

In 2001, I initiated an advisory committee comprised of environmental professionals to assess possible options for the restoration of the Maxwell Pond/Black Brook corridor. The initial discussions included dam removal as part of a larger Black Brook Corridor Restoration Project. There are many justifiable reasons for this option. First, the dam (currently in disrepair) no longer serves its original purpose, and is costly to maintain on a yearly basis. Second, the pond no longer resembles what it once was, and is no longer being used as a swimming area. Third, restoring Black Brook would enhance biological diversity and open up approximately 6 miles of unimpeded anadromous fish habitat from the Merrimack River upstream to Black Brook. This type of project, in the true spirit of restoration, certainly fits the scope and intent of the Manchester Urban Ponds Restoration Program.

Those on the advisory committee include representatives from the NH Department of Environmental Services, the NH Fish & Game Department, Trout Unlimited, the National Park Service, the Manchester Parks, Recreation & Cemetery Department, the Manchester Conservation Commission, and others. Each entity has been crucial in assisting the Urban Ponds Restoration Program with the design of a feasibility study, pre-restoration monitoring, and the likelihood of success of dam removal and habitat restoration at this site.

Through many hours of fieldwork and meetings, we have completed an exhaustive study of the impounded area to better understand the impacts of dam removal at this site. Since this is a City owned dam, the City holds the final determination of whether to move forward with the restoration of Black Brook by removing the impoundment. Considering such factors as timing, funding, dam maintenance, and habitat benefit, this is a rare opportunity for Manchester to restore at least some of what has been lost over the years.

In this period of rising environmental awareness, I ask that the Committee support this Urban Ponds Restoration Program initiative for the good of Manchester.

Thank you for your consideration.

Respectfully submitted,

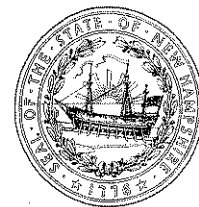
  
Art Grindle  
Urban Ponds Restoration Program Coordinator

8/10/04 - added  
11-15-2004  
to forward +  
have PH +  
inform  
Committee  
when PH  
will be held.  
1/5/05 - forwarded  
tabled

10



The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

March 15, 2004

Board of Mayor and Aldermen, Committee on Lands and Buildings  
City of Manchester  
1 City Hall Plaza  
Manchester, NH 03101

Dear Committee Members:

The Black Brook Advisory Committee (BBAC) was created in 2002 in order to investigate the feasibility and scope of stream restoration activities along the Black Brook corridor. The BBAC is comprised of representatives from The City of Manchester Conservation Commission and Parks and Recreation Department, Trout Unlimited, the National Park Service and the Department of Environmental Services. Several collaborative efforts are currently underway that will provide detailed recommendations and restoration strategies geared toward returning Black Brook to a more natural condition and function.

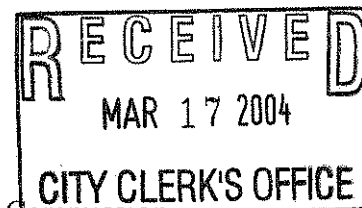
One of the major restoration initiatives identified by the BBAC is to investigate the potential removal of the dam on Maxwell Pond. The City of Manchester is currently faced with substantial financial obligations to repair and maintain the dam in order to maintain safety requirements and annual inspection fees etc. The City of Manchester wouldn't have to contribute any financial resources to a restoration project involving dam removal at Maxwell Pond.

The Black Brook Advisory Committee would like to request that a special meeting be convened by the Committee on Lands and Buildings to receive an informational presentation on the proposed Black Brook restoration efforts and specifically, the potential removal of the Maxwell Pond Dam. The presentation will focus upon restoration efforts, predicted benefits, financial incentives and the abundance of funding opportunities currently devoted to this project. Approximately 45 minutes would be required for the presentation and question and answer period to follow. Ultimately, we are seeking the approval of the Committee on Buildings and Lands to move forward with this effort and to provide a positive recommendation to the Board of Mayor and Alderman. Convening this proposed meeting by the end of April would be greatly appreciated as several of our funding sources are time sensitive. Please contact either of us with a proposed date and time or if you would like to discuss this request further. Thank you.

Sincerely,

Stephen C. Landry  
NHDES, Merrimack Watershed Supervisor  
(603) 271-2969

Jennifer Drociak  
Manchester Conservation Commission  
(603) 559-0028



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# MAXWELL POND DAM REMOVAL: RESTORATION OF BLACK BROOK IS FEASIBLE

## HISTORY OF MAXWELL POND



Maxwell Pond was created by the installation of a dam on Black Brook in 1900. The pond was reportedly named for A.H. Maxwell, who owned the Manchester Coal & Ice Company at the time when ice was harvested there. Ice harvesting took place in the 1930's and '40's, when Maxwell Pond was considered the best source in Manchester for pure ice. The company was located upstream and would keep the ice cold with hay-bales and sell it year round.

Until the late 1950's, Maxwell Pond was a popular for swimming, picnicking, and fishing in the summer. In the winter months the pond provided a spot for skating, bonfires and hockey games. It was even considered for a secondary

municipal water source for the City of Manchester, but the idea was apparently abandoned sometime in the 1960's. In the late 1950's and early 1960's Maxwell Pond began to change when a cement company located upstream began impacting Black Brook by washing sediment into the streambed and impoundment.

## WHY REMOVE DAMS?

There are more than 4,800 active and inactive dams in the State of New Hampshire. Many of these dams were built during the Industrial Revolution in the 19<sup>th</sup> and early 20<sup>th</sup> centuries, and they played central roles in New Hampshire's economic and societal growth during that period. But as technological and societal needs have changed, so too has the need for some dams.

Many New Hampshire dams and their impoundments enable and enhance values recreational uses, such as boating, fishing, and swimming. A smaller number of New Hampshire's dams provide important services such as water supply and flood control. But some dams, particularly those that are old, unsafe and uneconomical, may be good candidates to consider for removal.

Dams were historically built with little, if any, consideration to their impact on river systems. In the last several decades, resource managers have learned that dams cause environmental damage, that free-flowing rivers play a vital role in ecosystem health, and the selective dam removal can be both efficient and effective.

Selective dam removal can eliminate a public safety hazard, relieve a dam owner's financial and legal burdens and restore a river to a healthier, free-flowing condition. Consequently, some dam owners are taking a second look at their dams.

## WHY REMOVE MAXWELL POND DAM?

Over the last 40-50 years, the community has not been able to swim in Maxwell Pond due to increases in sediment load from upstream sites over time. Today, the pond (which had a maximum depth of 8 feet in 1954) has a maximum depth of just 4 feet. Clearly the land uses upstream have had an impact on Maxwell Pond and historical activities have not taken place at the pond in many decades.

The possibility of restoring Black Brook by removing the Maxwell Pond dam came about as one of several corridor-wide efforts to restore Black Brook. These supplemental projects include riparian/wetland work upstream from Maxwell Pond near the City's transfer station, and brook restoration planning further upstream near Wakefield Materials.

## WHAT ARE THE FACTORS OF DAM REMOVAL?

The process of selective dam removal looks at several factors such as possible wetland impacts, fish and wildlife impacts, social impacts, water quality and quantity impacts, historical resource impacts, sedimentation impacts, floodplain impacts,

### BENEFITS OF SELECTIVE DAM REMOVAL

- Elimination of a public safety hazard.
- Cost savings to taxpayers and dam owners.
- Improvement to water quality.
- Elimination of barriers to fish and other aquatic species.
- Restoration of river habitats.
- Creation of new, river-based recreational opportunities.

and aesthetic impacts. It is the **environmental issues** that often trigger consideration for dam removal, but it is typically the **economic issues** that are the pivotal decision factor since it is, in many cases, less expensive to remove a dam than to maintain and repair it on a yearly basis. Engineering issues are typically straightforward, but it is the **social issues** that are the most challenging aspect.

## **ENVIRONMENTAL ISSUES**

Dams can have many ecological impacts on rivers. They can block fish and other aquatic species from moving throughout a river system to access spawning sites and other critical habitats. Dams can hold back and cause buildup of sediment, woody debris, and other materials that would have naturally been disturbed throughout the river, playing important roles in providing nutrients and habitat for plants and animals downstream. Dams can increase water temperatures and decrease dissolved oxygen availability in impoundments, forcing many native river species out because they can't live under those conditions. Dams can also flood wetlands, floodplain forests and other ecosystems that naturally occur along the river's edge and serve valuable purposes.

The act of removing a dam may seem like a radical event to a river and the species that live in it, but rivers have proven themselves to be very resilient and able to "heal" quickly, based upon many dam removals that have taken place nationwide. Previously submerged lands revegetate rapidly, typically within a few weeks during the growing season. Fish populations and species diversity commonly increase in the restored stretch of the river within the first year after a dam is removed. Significant water quality improvements are often seen in a similarly short amount of time, depending upon conditions.

## **ECONOMIC ISSUES**

The cost of keeping a dam safe, particularly when the dam is no longer serving an economic function, can represent a significant burden to the dam owner. Dam ownership requires ongoing financial responsibility. Sometimes the costs of operation and maintenance, liability protection, annual registration fees and other obligations of dam ownership may outweigh the benefits derived from the dam. Studies show that repairing a dam can often cost three times more than removing that dam. In addition, there are many potential funding sources. In this case, there are funding sources available to the City of Manchester from the Manchester Urban Ponds Restoration Program (UPRP), Department of Environmental Services (DES), NH Fish & Game Department (NHFG), Trout Unlimited (TU) among others. There would most likely be no cost to the City for dam removal, and all partners have been interested in seeking river restoration of this area.

## **SOCIAL ISSUES**

Many people have concerns regarding dam removal, such as "will the river/waterbody disappear?" "will flooding occur?" or "will all the fish die?" Some concerns are based on lack of information while others are value-based. Many share both sets of concerns. However, proactive discussion rather than reactive decisions typically result in creative solutions.

## **WHAT PRE-RESTORATION WORK HAS BEEN COMPLETED?**

During the Winter of 2001, DES and UPRP dug 310 holes in Maxwell Pond to examine sediment depth and locate the original brook channel. Sediment chemistry was then examined, and no contaminants were found. TU has been involved with surveying and aerial topographical mapping to examine channel morphological work. DES, NHFG, and TU also collected fish at four sites on Black Brook (two upstream from the impoundment and two downstream) to survey total population, weight, and lengths of the fish. At these same sites, macroinvertebrates (stream insects) were surveyed. Additional pre-restoration work (to be completed Summer 2003) will include a survey of fish inside the impoundment and additional channel cross-section work.

## **WHAT IS THE TIMEFRAME FOR POTENTIAL DAM REMOVAL AT MAXWELL POND?**

## **FOR MORE INFORMATION**

Contact the NH Department of Environmental Services, Water Division, Dam Bureau, River Restoration Coordinator at (603) 271-3406 or e-mail [slindloff@des.state.nh.us](mailto:slindloff@des.state.nh.us). OR

The Manchester Urban Ponds Restoration Program at (603) 624-6450 or [agrindle@ci.manchester.nh.us](mailto:agrindle@ci.manchester.nh.us)

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October 21, 2003

Sally Fellows  
Office of the City Clerk  
One City Hall Plaza  
Manchester, NH 03101

**Re: Lands & Buildings Committee Meeting Agenda for December 16, 2003**

Dear Ms. Fellows:

I am writing to request that the Black Brook Advisory Committee be placed on the Lands & Buildings Committee agenda for Tuesday December 16, 2003.

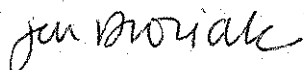
The Black Brook Advisory Committee includes members from the Manchester Conservation Commission, Parks & Recreation Department, Department of Environmental Services, and other organizations. Their focus has been on Maxwell Pond dam removal and Black Brook river restoration.

During this meeting the Black Brook Advisory Committee would like to discuss the feasibility of dam removal/river restoration, the alternative of dam repair, monetary costs associated with and ecological components of both options. The Black Brook Advisory Committee is ideally looking for an Aldermanic vote in favor of dam removal/river restoration and would be willing to give a second presentation to the Mayor and Board of Alderman afterwards, if necessary.

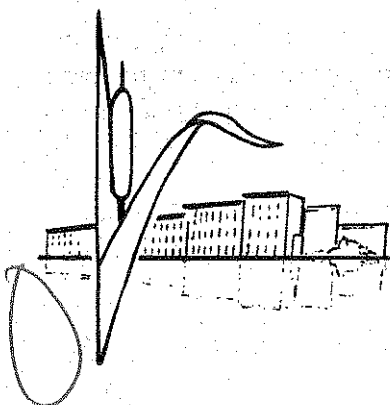
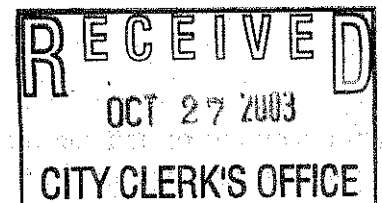
Please let me know if the Black Brook Advisory Committee will be on the Lands & Buildings Committee agenda for Tuesday December 16, but contacting me at 647-1826 or [jen.drociak@nh.gov](mailto:jen.drociak@nh.gov).

Thank you and I look forward to hearing from you.

Sincerely,



Jen Drociak  
Manchester Conservation Commission



Mayor's Office, One City Hall Plaza, Manchester, NH 03101 (603) 624-6450

**MANCHESTER  
CONSERVATION  
COMMISSION**

Printed on recycled paper ♻️

## **Black Brook Dam - Manchester, NH**

**Annual Maintenance Costs Incurred by Parks, Recreation and Cemetery Department**

### **City of Manchester - Maintenance and Associated Costs**

<b>Work Description</b>	<b>Frequency</b>	<b>Year Completed</b>	<b>Cost</b>	<b>Annual Cost</b>
Annual Maintenance	Yearly	2002	\$ 950.00	\$ 950.00
Dam Inspection by NHDES	Yearly	2002	\$ 300.00	\$ 300.00
Emergency Action Plan (EAP)	5yrs.	1998	\$ 14,200.00	\$ 2,840.00
Repair & Improvements	15 yrs	1986	\$ 20,741.60	\$ 1,382.77

**Average Annual Costs      \$      5,472.77**

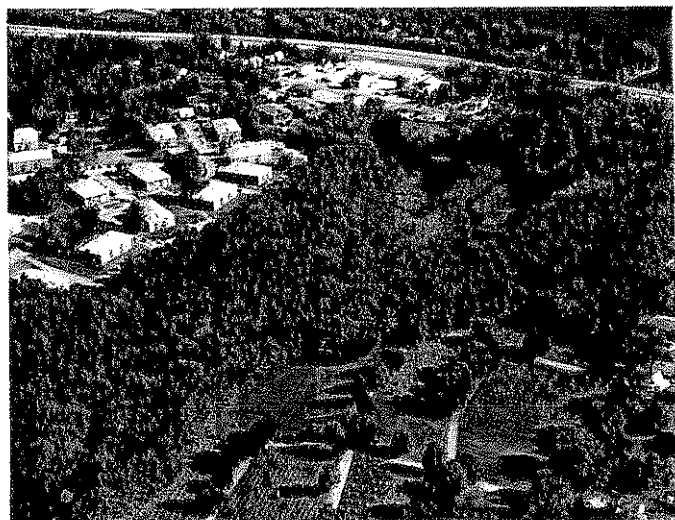
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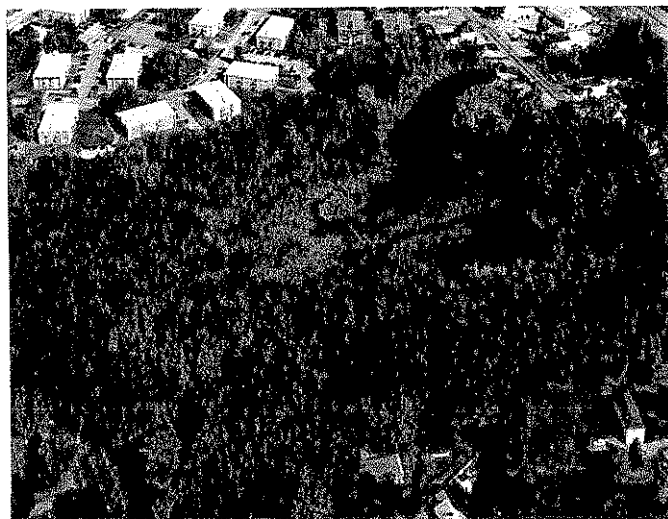
black\_brook-19.jpg



black\_brook-20.jpg



black\_brook-22.jpg



black\_brook-23.jpg

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**Black Brook Dam Removal  
Manchester, NH  
Cost Estimate**

Page 1

11/15/2004

I. <u>LABOR (4 men crew)</u>	Labor Cost	Duration (days)
Mobilization		3
Labor Cost - (\$23.46/hr x 8 hrs/day x 4men x 3 days)	\$2,252.16	
Site Preparation & Water Control		2
Labor Cost - (\$23.46/hr x 8hrs/day x 4 men x 2 days)	\$1,501.44	
Demolition and Debris Removal		10
Labor Cost - (\$23.46/hr x 8 hrs/day x 4men x 10days)	\$7,507.20	
Demobilization and Restoration		8
Labor Cost - (\$23.46/hr x 8 hrs/day x 4 men x 8 day)	\$6,005.76	
<b>Total Labor Cost=</b>		
		<b><u>\$17,266.56</u></b>
<b>Total # of Days=</b>		<b><u>23</u></b>
II. <u>EQUIPMENT</u>		
In-House Rental (See attached "Dam Project Equipment Rental sheet for details)		
	\$4,652.00	\$4,652.00
Rental - Excavator w/ Hammer (1 week @\$3,500/wk)	\$3,500.00	
Rental - Excavator w/ thumb (2 weeks @ \$2,500/wk)	\$3,000.00	
<b>Total equipment cost =</b>		
		<b><u>\$11,152.00</u></b>
III. <u>MATERIALS</u>		
Misc. - rip-rap, gravel, turbidity curtains, silt fence, etc.	\$6,000.00	
<b>Total Materials Cost =</b>		
		<b><u>\$6,000.00</u></b>

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**Black Brook Dam Removal  
Manchester, NH  
Cost Estimate**

Page 2

11/15/2004

**V. PLANNING & PROJECT OVERSIGHT**

4 weeks @ \$1,500 per week \$6,000.00

In-State Travel- 4 weeks @ 60mi/day, \$.375/mi \$450.00

**Total Engineering Cost = \$6,450.00**

**VIII. Summary**

A. Labor \$17,266.56

B. Equipment \$11,152.00

C. Materials \$6,000.00

G. Planning & Project Oversight \$6,450.00

F. 20% contingencies \$8,173.71

**Total Project Cost = \$49,042.27**

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## Dam Project - Equipment Rental

### Project Estimate

**Dam Project:** Black Brook Dam Removal

**Dam No.:** PD 150.07

Equipment Item	Class	No. of Days	Daily Rate	No. of Hours	Hourly Rate	Total \$\$
Brush Hog - WOODS	N/A		\$35.00		\$0.00	\$0.00
Brush Hog - JOHN DEERE	N/A		\$35.00		\$0.00	\$0.00
Brush Hog - JOHN DEERE	N/A		\$35.00		\$0.00	\$0.00
Compressor, Air (Le-Rol) (TR-552)	11001	14.00	\$11.95	84.00	\$2.22	\$353.78
Crane, Drott (ES-131)	19009		\$73.37		\$5.55	\$0.00
Crane, Quilckway (ES-116)	19009		\$73.37		\$5.55	\$0.00
Crane, Quilckway (ES-118)	19009		\$73.37		\$5.55	\$0.00
Dozer Backhoe TD-7	49003		\$31.78		\$3.00	\$0.00
EXCAVATOR - CASE 9010D	N/A		\$206.40		\$25.80	\$0.00
Jackhammer	N/A	5.00	\$24.00		N/A	\$120.00
Loader, Michigan (ES-135)	33002		\$52.85		\$4.00	\$0.00
Loader, Michigan (ES-77)	33002		\$52.85		\$4.00	\$0.00
Mower, Slope Master	49001		\$9.08		\$4.27	\$0.00
Mowers, Ferris	N/A		\$18.00		\$2.25	\$0.00
Mowers, Lawn (Small)	N/A		\$14.50		\$1.50	\$0.00
Saw, Hydraulic Concrete (18hp)	N/A	5.00	\$50.00	8.00	\$25.50	\$454.00
Saw, Brush	N/A		\$14.25		\$1.90	\$0.00
Saw, Chain (16"-19" blade)	N/A		\$14.25		\$1.90	\$0.00
Stomper, Stone/Compaction	N/A		\$37.50		\$4.69	\$0.00
Tractor, Ford	49001		\$9.08		\$4.27	\$0.00
Tractor, John Deere (no backhoe)	49001		\$9.08		\$4.27	\$0.00
Tractor, John Deere w/backhoe	49003		\$31.78		\$3.00	\$0.00
Trailer, 21-TON Rogers (TR-626)	53002	4.00	\$12.17	20.00	\$2.43	\$97.28
Trailer, Low-Bed 12-Ton (TR-550)	53002		\$12.17		\$2.43	\$0.00
Trailer, Hudson (TR-547)	53002		\$12.17		\$2.43	\$0.00
Trailer, Pequea (TR-670)	53002		\$12.17		\$2.43	\$0.00
Trailer, Pequea (TR-836)	53002		\$12.17		\$2.43	\$0.00
Trailer, Utility PJ (TR-464)	53002		\$12.17		\$2.43	\$0.00
Trailer, Const. Office (TR-777)	53007		\$7.87		N/A	\$0.00
Trimmers, Weed	N/A		\$14.25		\$1.90	\$0.00
Truck, 2-Ton Dump (ES114)	55010		\$44.23		\$2.89	\$0.00
Truck, 5-Ton Dump (ES115)	55011		\$41.62		\$5.36	\$0.00
Truck, 10-Wheel Dump (ES-110)	55012	20.00	\$50.52	120.00	\$7.61	\$1,923.60
Welder/Generator	11001	10.00	\$11.95	60.00	\$2.22	\$252.70
Wood Chipper 16T-300 (TR-551)	N/A		\$75.75		\$10.10	\$0.00
Wood Chipper (ES-133)	N/A		\$75.75		\$10.10	\$0.00
Wood Chipper 6" (TR-755)	N/A		\$44.25		\$5.90	\$0.00

Equipment Item	Class	No. of Days	Daily Rate	No. of Miles	Cost/Mile	Total \$\$
1 Ton Crew Cab (ES113) Bill	55009	20.00	\$33.75	1,200.00	\$0.15	\$855.00
1 Ton Crew Cab (ES117) Bat Truck	55009		\$33.75		\$0.15	\$0.00
1 Ton Crew Cab (ES152) Jim	55009		\$33.75		\$0.15	\$0.00
1 Ton Dump Truck (ES 153)	55009		\$33.75		\$0.15	\$0.00
3/4 Ton PU Truck (ES 42) Chris	55015	20.00	\$23.75	1,200.00	\$0.10	\$595.00
3/4 Ton PU Truck (ES 44)	55015		\$23.75		\$0.10	\$0.00
3/4 Ton PU Truck (ES121) Old	55015		\$23.75		\$0.10	\$0.00
3/4 Ton PU Truck (ES151)	55015		\$23.75		\$0.10	\$0.00
3/4 Ton PU Truck (ES165)	55015		\$23.75		\$0.10	\$0.00
1/2 Ton Plow Truck (ES122)	55008		\$19.33		\$0.08	\$0.00

**PAGE TOTAL:** \$4,651.36

Signature: James W. Gallagher, Jr., P.E., Chief Water Resources Eng

Date

10

## MAXWELL POND DAM REMOVAL: RESTORATION OF BLACK BROOK IS FEASIBLE

### HISTORY OF MAXWELL POND



Maxwell Pond was created by the installation of a dam on Black Brook in 1900. The pond was reportedly named for A.H. Maxwell, who owned the Manchester Coal & Ice Company at the time when ice was harvested there. Ice harvesting took place in the 1930's and '40's, when Maxwell Pond was considered the best source in Manchester for pure ice. The company was located upstream and would keep the ice cold with hay-bales and sell it year round.

Until the late 1950's, Maxwell Pond was a popular for swimming, picnicking, and fishing in the summer. In the winter months the pond provided a spot for skating, bonfires and hockey games. It was even considered for a secondary

municipal water source for the City of Manchester, but the idea was apparently abandoned sometime in the 1960's. In the late 1950's and early 1960's Maxwell Pond began to change when a cement company located upstream began impacting Black Brook by washing sediment into the streambed and impoundment.

### WHY REMOVE DAMS?

There are more than 4,800 active and inactive dams in the State of New Hampshire. Many of these dams were built during the Industrial Revolution in the 19<sup>th</sup> and early 20<sup>th</sup> centuries, and they played central roles in New Hampshire's economic and societal growth during that period. But as technological and societal needs have changed, so too has the need for some dams.

Many New Hampshire dams and their impoundments enable and enhance values recreational uses, such as boating, fishing, and swimming. A smaller number of New Hampshire's dams provide important services such as water supply and flood control. But some dams, particularly those that are old, unsafe and uneconomical, may be good candidates to consider for removal.

#### BENEFITS OF SELECTIVE DAM REMOVAL

- Elimination of a public safety hazard.
- Cost savings to taxpayers and dam owners.
- Improvement to water quality.
- Elimination of barriers to fish and other aquatic species.
- Restoration of river habitats.
- Creation of new, river-based recreational opportunities.

Dams were historically built with little, if any, consideration to their impact on river systems. In the last several decades, resource managers have learned that dams cause environmental damage, that free-flowing rivers play a vital role in ecosystem health, and the selective dam removal can be both efficient and effective.

Selective dam removal can eliminate a public safety hazard, relieve a dam owner's financial and legal burdens and restore a river to a healthier, free-flowing condition. Consequently, some dam owners are taking a second look at their dams.

### WHY REMOVE MAXWELL POND DAM?

Over the last 40-50 years, the community has not been able to swim in Maxwell Pond due to increases in sediment load from upstream sites over time. Today, the pond (which had a maximum depth of 8 feet in 1954) has a maximum depth of just 4 feet. Clearly the land uses upstream have had an impact on Maxwell Pond and historical activities have not taken place at the pond in many decades.

The possibility of restoring Black Brook by removing the Maxwell Pond dam came about as one of several corridor-wide efforts to restore Black Brook. These supplemental projects include riparian/wetland work upstream from Maxwell Pond near the City's transfer station, and brook restoration planning further upstream near Aggregate Industries.

### WHAT ARE THE FACTORS OF DAM REMOVAL?

The process of selective dam removal looks at several factors such as possible wetland impacts, fish and wildlife impacts, social impacts, water quality and quantity impacts, historical resource impacts, sedimentation impacts, floodplain impacts,

and aesthetic impacts. It is the **environmental issues** that often trigger consideration for dam removal, but it is typically the **economic issues** that are the pivotal decision factor since it is, in many cases, less expensive to remove a dam than to maintain and repair it on a yearly basis. Engineering issues are typically straightforward, but it is the **social issues** that are the most challenging aspect.

## **ENVIRONMENTAL ISSUES**

Dams can have many ecological impacts on rivers. They can block fish and other aquatic species from moving throughout a river system to access spawning sites and other critical habitats. Dams can hold back and cause buildup of sediment, woody debris, and other materials that would have naturally been disturbed throughout the river, playing important roles in providing nutrients and habitat for plants and animals downstream. Dams can increase water temperatures and decrease dissolved oxygen availability in impoundments, forcing many native river species out because they can't live under those conditions. Dams can also flood wetlands, floodplain forests and other ecosystems that naturally occur along the river's edge and serve valuable purposes.

The act of removing a dam may seem like a radical event to a river and the species that live in it, but rivers have proven themselves to be very resilient and able to "heal" quickly, based upon many dam removals that have taken place nationwide. Previously submerged lands revegetate rapidly, typically within a few weeks during the growing season. Fish populations and species diversity commonly increase in the restored stretch of the river within the first year after a dam is removed. Significant water quality improvements are often seen in a similarly short amount of time, depending upon conditions.

## **ECONOMIC ISSUES**

The cost of keeping a dam safe, particularly when the dam is no longer serving an economic function, can represent a significant burden to the dam owner. Dam ownership requires ongoing financial responsibility. Sometimes the costs of operation and maintenance, liability protection, annual registration fees and other obligations of dam ownership may outweigh the benefits derived from the dam. Studies show that repairing a dam can often cost three times more than removing that dam. In addition, there are many potential funding sources. In this case, there are funding sources available to the City of Manchester from the Manchester Urban Ponds Restoration Program (UPRP), Department of Environmental Services (DES), NH Fish & Game Department (NHFG), Trout Unlimited (TU) among others. There would most likely be no cost to the City for dam removal, and all partners have been interested in seeking river restoration of this area.

## **SOCIAL ISSUES**

Many people have concerns regarding dam removal, such as "will the river/waterbody disappear?" "will flooding occur?" or "will all the fish die?" Some concerns are based on lack of information while others are value-based. Many share both sets of concerns. However, proactive discussion rather than reactive decisions typically result in creative solutions.

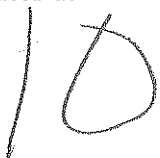
## **WHAT PRE-RESTORATION WORK HAS BEEN COMPLETED?**

During the Winter of 2001, DES and UPRP dug 310 holes through the ice on Maxwell Pond to examine sediment depth and locate the original brook channel. Sediment chemistry was then examined, and no contaminants were found. TU has been involved with surveying and aerial topographical mapping to examine channel morphological work. DES, NHFG, and TU also collected fish at four sites on Black Brook (two upstream from the impoundment and two downstream) to survey total population, weight, and lengths of the fish. At these same sites, macroinvertebrates (stream insects) were surveyed. Additional pre-restoration work will include a survey of fish inside the impoundment and additional channel cross-section work.

A cost estimate for removal of the Maxwell Pond Dam was generated by the DES Dam Bureau in November of 2004. This estimate includes labor, equipment, materials and project oversight and totaled \$49,042.27. Additional funds would be secured for post-removal restoration to be completed along the dewatered areas surrounding the new channel. This one time project cost should be compared to the annual operating cost of \$5,500.00 that the City of Manchester is responsible for.

## **FOR MORE INFORMATION**

Contact the NH Department of Environmental Services, Water Division, Dam Bureau, River Restoration Coordinator at (603) 271-3503 or the Manchester Urban Ponds Restoration Program at (603) 624-6450.



# Tri-State Enterprises

3 SO. BEDFORD ST.  
MANCHESTER, N.H. 03101  
TELEPHONE 603/668-4840

*Rentals and Sales  
Monte Carlo &  
Vegas Nite Equipment  
Lucky Sevens  
Bingo Equipment*

*Video &  
Amusement Games  
Restaurant Equipment*

October 5, 2004

Board of Mayor & Alderman  
City Clerk  
1 City Hall Plaza  
Manchester, NH 03101

Dear Mayor and Board of Alderman;

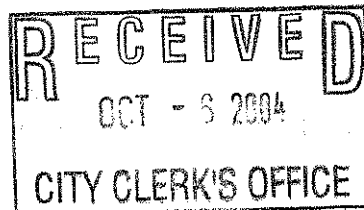
I would like to acquire the portion of South Bedford Street that was discontinued in front of my building at the corner South Commercial and South Bedford Streets.

Thank you for your time in considering my request.

Sincerely,



Nicholas Bonardi  
Tri State Enterprises  
Owner



To: Committee on Lands and Buildings  
From: Board of Assessors  
Date: January 4, 2005

Re: South Bedford Street discontinuance and land  
Request to Purchase Property

The Assessors have completed an analysis of the estimated market value of the above referenced property. A site inspection was conducted on December 2, 2004. An analysis of the available assessing records has been completed. A review of sales of developable land has also been completed. The following is a summary of important facts, and the value estimate:

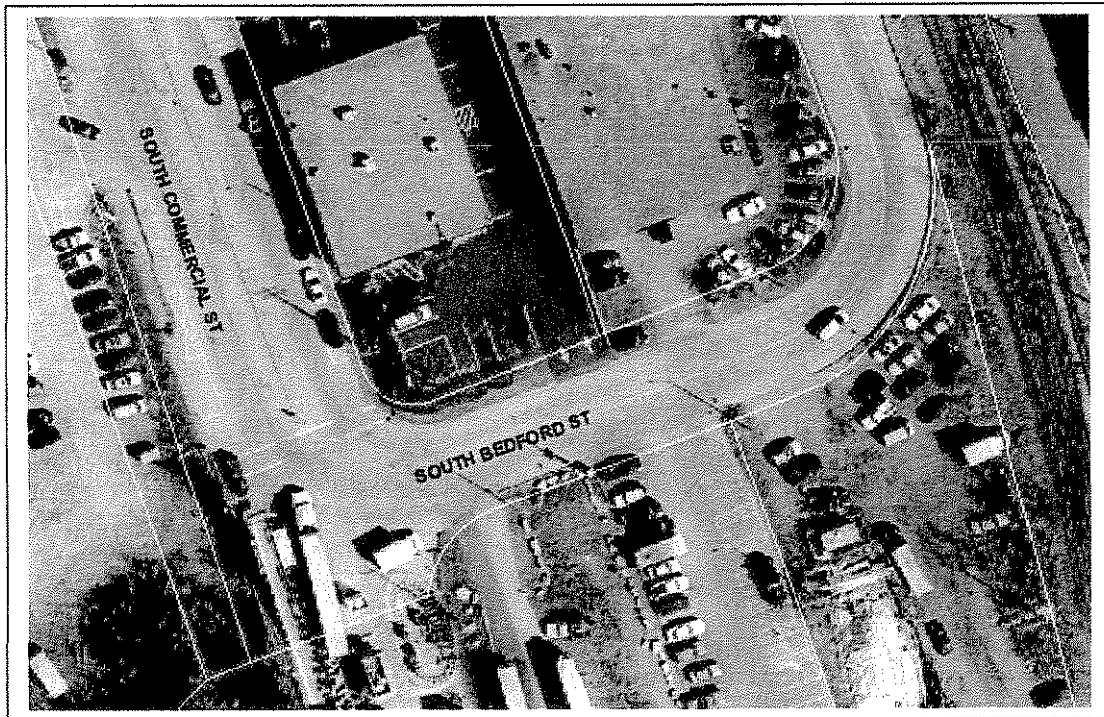
Property Location	South Bedford Street
Assessors Map/Lot	N/A
Property Owner	City of Manchester
Deed Book/Page	N/A
Date Acquired	Unknown
Improved/Vacant	Vacant
Total Land Area	4,335 sq. ft. on South Bedford & 347 sq. ft. between South Bedford & South Commercial, totally 4,682
Current Zoning	CBD
Easements/Restrictions	Drainage, water, and utility easements & access right-of-way
Utilities Available	All
Total Current Assessment	The property is currently a street, and as such, is not assessed
Indicated Range of Value/Unit	\$4.00-5.00 per sq. ft.
Indicated Range of Value	\$17,340 - \$21,675
Comments	

Respectfully submitted by the Board of Assessors,

Thomas C. Nichols

11

RE: South Bedford Street discontinuance



17



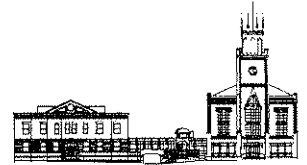


Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

October 29, 2004

Committee on Land and Buildings  
Honorable Board of Mayor and Aldermen  
City Hall - One City Hall Plaza  
Manchester, N.H. 03101

RE: *Request by owner of TM 274, Lot 7A, to acquire a discontinued portion of South Bedford Street*

Dear Committee Members:

This is to provide a report pursuant to Section 34.20 pertaining to the above-referenced city-owned land. The Board of Mayor and Aldermen, on August 31, 2004, approved a petition to discontinue the southernmost portion of South Bedford Street running immediately before the above referenced parcel owned by Nicholas Bonardi "subject to reserving any and all utility easements". The City continued to own the property upon discontinuance. More recently, Mr. Bonardi has communicated with the City asking for permission to acquire the subject discontinued property.

### Surplus Determination:

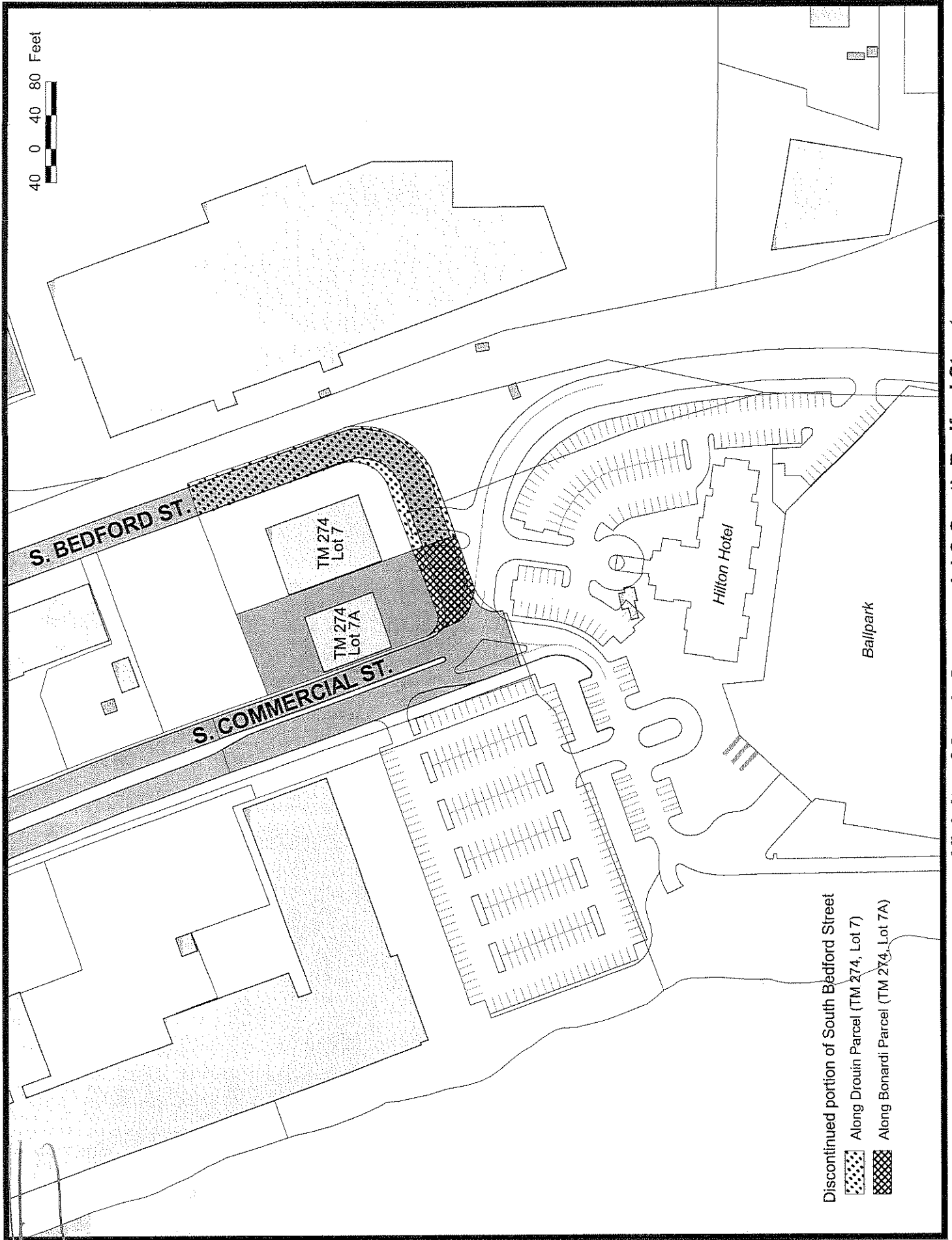
The Planning Department has reviewed the lands in question and communicated with the Highway Department and City Clerk's Office about this matter and we have determined that there are no known City uses for the parcel. As such, we recommend that it be declared "surplus" city land.

**Disposition:** Given the City's need for an increased property tax base, the most practical method of disposing of this city-owned parcel would be to sell it to its only direct abutter, Mr. Bonardi, with the condition that it be consolidated into Mr. Bonardi's existing parcel at TM 274, Lot 7A. The Committee may wish to consider this option.

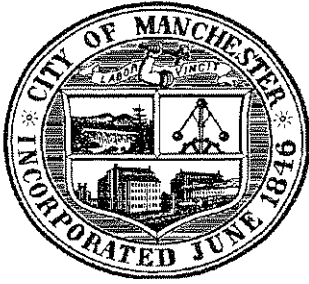
Sincerely,

Robert S. MacKenzie  
Director of Planning

One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)



Vicinity of South Commercial & South Bedford Streets



City of Manchester  
Office of the Tax Collector

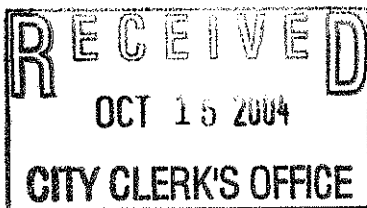
City Hall  
One City Hall Plaza - West  
Manchester, New Hampshire 03101  
(603) 624-6575 (Phone)  
(603) 628-6162 (Fax)

Joan A. Porter  
Tax Collector

## Memorandum

DATE: October 12, 2004  
TO: Land & Building Committee  
FROM: Joan A. Porter, Tax Collector *JAP*  
RE: S Bedford St @ S Commercial St

As the above-referenced property is not a tax-deeded parcel,  
the Tax Collector's office has no interest in the sale of this  
property.



11

**From:** Tellier, Steve  
**To:** Johnson, Carol  
**Date:** 2/13/05 11:51AM  
**Subject:** RE: bonardi

Carol,

Called Mr. Bonardi on Friday, Feb 11. Told him Assessors filed a report to L&B Committee on value in range of \$17,000 to \$21,000. He expressed some surprise at amount as lot across street went for approximately \$2.00 per foot. However, I explained that there were other considerations regarding that sale. He is going on vacation for a couple of weeks and when he returns he'll speak with Frank Thomas on particulars affecting the land assisting him to make a decision. Incidentally, Frank Thomas is away on vacation as well for a couple of weeks. Should you have any additional questions please direct them to Tom Nichols or Stephan Hamilton.

Also, just a note to let you know I'll be undergoing some minor corrective surgery on Thursday, Feb. 17. I'll be in the hospital for a couple of days and be out of the office a week or two. I will be in the office daily through Wednesday of this week.

Steve

-----Original Message-----

From: Johnson, Carol  
Sent: Friday, February 11, 2005 2:14 PM  
To: Tellier, Steve  
Subject: RE: bonardi

Your office should probably let him know what you have valued it at in case he has questions he can ask you directly.

**CC:** Nichols, Thomas, HAMILTON, Stephan

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Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

November 8, 2004

Lands and Buildings Committee  
City Hall  
Manchester, NH 03101

Re: *Blacksmith Shop on Second Street*

Honorable Committee Members:


A For Manchester group has been interested in acquiring the Blacksmith Shop on Second Street for preservation. It has requested funding for this acquisition from the SEPP (Supplemental Environmental Protection Program) which is funded from sewer use fees. The acquisition cost would be between \$250,000 and \$300,000.

In my opinion, the property is worth considering for acquisition. It is located on Bass Island, which is in a "Regulatory Floodway", it is a historic building and it is located across from a City park – Bass Island Park. There are, however, three issues which would have to be resolved.

- 1) *Eligibility for SEPP Funding.* One of the main purposes of the SEPP agreement was for land conservation. It should be determined whether this parcel – which contains a building – would be consistent with the SEPP program. The SEPP Committee would make this determination (this committee also includes representatives of the EPA and State DES, the City's two partners in the overall CSO/SEPP agreement)
- 2) *Funding Amount.* The SEPP committee has committed \$100,000 for land protection on Bass Island. The committee in conjunction with the City's EPD would have to determine whether there are adequate funds to cover the cost of acquisition.
- 3) *Ownership entity.* There should be a review of the proper ownership of the property. This would include a determination of an adequate maintenance plan with budget and proper use plan. This would be consistent with the ownership and management of the Hackett Hill preserve which was acquired with SEPP funds.

I am seeking the Board's concurrence with this approach.

Sincerely,

  
Robert S. MacKenzie  
Director of Planning

C: Mayor Robert A. Baines  
Thomas Clark, Esq.  
Thomas Seigel  
Jane Beaulieu

One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)

12



Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to  
Planning Board  
Zoning Board of Adjustment  
Heritage Commission  
Miliyard Design Review Committee

11/15/02-Tabbed

October 10, 2002

To Whom It May Concern:

This is regarding the application for funding under the LCHIP program for Bass Island. This island rests strategically at the confluence of the Piscataquog and Merrimack Rivers and is significant historically, as a natural resource and as an urban green space within a highly urbanized area.

The island is a historic location from both the time of the native american indians to the urban development of the City. The blacksmith shop is a surprising remnant of a past economy. The island is also located within a regulatory floodway and if returned primarily to a natural state will help prevent downstream flooding. As a green space it expands upon the existing Bass Island Park across the street and provides access to both branches of the Piscataquog River and has relatively short distance to the Merrimack River.

The site is recommended for park expansion in the City's "Riverfront Development Plan completed in 1999 and is recognized in the recently released "Gateway Corridor and Civic Center Area" Plan.

This letter is to provide our department's strong support for the application.

Sincerely,

Robert S. MacKenzie, AICP  
Director of Planning & Community Development

12

# Preservation

Not An Option.....A Responsibility.

Civic Engagement: Create full opportunity for citizens, businesses, and communities to participate in and influence the natural resource, environmental and economic decisions that affect them.

*Source: President's Council on Sustainable Development*

## **Bass Island Preservation and Restoration Project**

### **Purpose :**

To preserve the land at the mouth of the Piscataquog River, a designated protected river.

Place a conservation easement on the land, create more public greenspace and access to the Merrimack River. Reduce city impervious surface.

To restore the blacksmith shop and create an enterprise that will be self sustaining, such as kayak and bike rentals, service and sales. This enterprise will also work to establish a city park with gardens and trails.

### **Benefits:**

Establish an Historic Landmark. Create a destination and increase tourism. Preserve wildlife habitat by stabilizing the riverbanks.

Catalyst for a Second Street "Landscape Revitalization Program", reducing pollution and eliminating blithe.

Land will enhance and link the Piscataquog River Trail Corridor and the newly developed Baseball Park Project.

Establish community gardens for Families in Transition.

Reduce crime.

Partners: EPA, DES, City of Manchester, FOR MANCHESTER, NH Preservation Alliance, PWA, Red Oak Properties, Families in Transition, National Parks Service

### **Selling Price:**

Blacksmith Shop and Land - \$300,000

James McDowell's - \$700,000

SEPP Funds requested - \$100,00

Other Sources of funding: LCHIP, Land and Water Conservation Fund, Community Development Block Grants, National Parks Service Historic Preservation Fund Grants and Technical Preservation Services, National Trust for Historic Preservation, NH Charitable Foundation, NH Humanities Council

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<b>CURRENT OWNER</b> MCDOWELL, JAMES S 66 MAIN ST ALLENSTOWN, NH 03275-1714 Additional Owners:		<b>TOPO.</b> 1 Level 11 Suitable		<b>UTILITIES</b> 1 All Public 5 Curb & Gutte 6 Sidewalk		<b>STRT./ROAD</b> 1 Paved		<b>LOCATION</b> 1 Urban		<b>CURRENT ASSESSMENT</b> Description COM LAND Code 3900 Appraised Value 206,875 Assessed Value 206,900		2017 MANCHESTER, NH					
<b>SUPPLEMENTAL DATA</b> Account # 13428184 Land Adjust NO Voided NO Total SF 87120 Zone C Frontage/Dep No RAD OR CAD RAD = 590 Old LUC Sketch Note NONE Land Class C Parcel Zip 03102-4819										<b>VISION</b>							
<b>RECORD OF OWNERSHIP</b> MCDOWELL, JAMES S										<b>BK-VOL/PAGE</b> 0		<b>SALE DATE</b> 0		<b>SALE PRICE</b> 0		<b>GIS ID:</b>	
<b>EXEMPTIONS</b> Type/Description Amount Code Description Number Amount Comm. Int.										<b>OTHER ASSESSMENTS</b> Yr. Code 2001 3900 Assessed Value 206,900 Yr. Code 1991 3830 Assessed Value 217,800 Yr. Code 1991 3830 Assessed Value 800		<b>PREVIOUS ASSESSMENTS (HISTORY)</b> Total 206,875 206,900					
<b>NOTES</b> 1 VACANT LAND FIREWOOD FOR SALE \$160 PER CORD										<b>APPRAISED VALUE SUMMARY</b> Appraised Bldg. Value (Card) Appraised XF (B) Value (Bldg) Appraised OB (L) Value (Bldg) Appraised Land Value (Bldg) Special Land Value Total Appraised Card Value Total Appraised Parcel Value Valuation Method: Net Total Appraised Parcel Value		206,875 206,875 206,875 206,875 206,875 206,875 Cost/Market Valuation					
<b>BUILDING PERMIT RECORD</b> Permit ID Issue Date Type Description Amount Insp. Date % Comp. Date Comp.										<b>VISIT/CHANGE HISTORY</b> Date 5/2/2000 1/11/1991 ID SW Cd 14 00 Purpose/Result Other Meas & Int Insp.							
<b>LAND LINE VALUATION SECTION</b> B# Use Code 1 3900 Description DEVEL LAND Zone D Frontage Depth Units 87,120.00 SF Unit Price 1.90 I. Factor 1.00 C. Factor 1.00 Nbhd 631 Adj. 1.00 Notes- Adj/Special Pricing SPCL(WF8)Notes: Parcel Total Land Area: 2.00 AC Parcel Total Land Value: 206,875										<b>LAND LINE VALUATION SECTION</b> B# Use Code 1 3900 Description DEVEL LAND Zone D Frontage Depth Units 87,120.00 SF Unit Price 1.90 I. Factor 1.00 C. Factor 1.00 Nbhd 631 Adj. 1.00 Notes- Adj/Special Pricing SPCL(WF8)Notes: Parcel Total Land Area: 2.00 AC Parcel Total Land Value: 206,875							

MAP ID: TPK3//0060//  
Other ID:

Bldg #: 1 Card 1 of 1 Print Date: 10/01/2002 14

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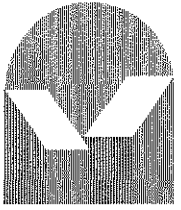
CONSTRUCTION DETAIL

Element	Cd	Ch	Description	Element	Cd	Ch	Description
Style/ Type	48		Warehouse	Heat & AC	04		AVERAGE
Model	04		Commercial 1%	Frame Type	02		WOOD FRAME
Grade	02		Below Average	Baths/Plumbing	02		AVERAGE
Stories	1		1 Story	Ceiling/Wall	00		NONE
Occupancy	01		Clapboard	Rooms/Prms	02		AVERAGE
Exterior Wall 1	11			% Common Wall	0		
2				Wall Height	20		
Roof Structure	03		Gable/Hip	CONDO/MOBILE HOME DATA			
Roof Cover	02		Roll'd Compos	Element	Code	Description	Factor
Interior Wall 1	02		Wall Brd/Wood	Complex			
2				Floor Adj			
Interior Floor 1	03		Concr-Finished	Unit Location			
2				Number of Units			
Heating Fuel	02		Oil	Number of Levels			
Heating Type	03		Hot Air-no Duc	% Ownership			
AC Type	01		None	COST/MARKET VALUATION			
Bedrooms	00		Zero Bedrooms	Unadj. Base Rate		38.00	
Bathrooms	0		Zero Bathrms	Size Adj. Factor		1,00795	
Total Rooms				Grade (Q) Index		0.77	
Bath Type				Adj. Base Rate		29.49	
Kitchen Style				Bldg. Value New		113,448	
				Year Built		1930	
				Eff. Year Built		(AV) 1941	
				Nrml Physcl Dep		60	
				Functl Obslnc			
				E-con Obslnc			
				Spec. Cond. Code			
				Spec. Cond %		40	
				Overall % Cond.			
				Deprec. Bldg Value		45,400	
MIXED USE							
Code	Description	Percentage					
3160	COMM WHSE	100					
OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)							
Code	Description	L/B	Units	Unit Price	Yr.	Dp Rt	%Cnd Apr. Value
FGRI	GARAGE-AVE	L	750	16.00	1935	0	50 6,000
MEZ1	MEZZANINE-UNF	B	200	8.00	1941	1	100 600
BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value	
BAS	First Floor	3,547	3,547	3,547	29.49	104,601	
FST	Utility, Finished	0	750	300	11.80	8,847	
SLB	Slab	0	2,907	0	0.00	0	
Ttl. Gross Liv/Lease Area							
		3,547	7,204	3,847	Bldg Val:	113,448	

SKETCH

BAS SLB	51	30	20
BAS SLB	51	30	20
FST	25	30	32





*Meehan Architects, P.A.*

140 WEST MERRIMACK STREET, PO BOX 992, MANCHESTER, NH 03105-0992

UNIQUE COMMERCIAL & RESIDENTIAL PROJECTS  
MEMBER AMERICAN INSTITUTE OF ARCHITECTS  
WEB PAGE: [www.meehanarchitects.com](http://www.meehanarchitects.com)  
E-MAIL: [meehanar@nh.ultranet.com](mailto:meehanar@nh.ultranet.com)  
FAX: 603-668-2739  
TEL: 603-668-6802

October 10, 2002

Jane Beaulieu  
For Manchester  
793 Somerville Street  
Manchester, NH 03103

Re: Bass Island Project

Dear Jane,

This letter is intended to document my visual impressions of the Netsch Blacksmithing Building on Bass Island in Manchester, NH.

On Tuesday October 8, 2002 I toured the building both inside and out, viewed your conceptual sketches, and discussed your ideas for the building's future.

The exterior of the building on the Second Street side is in reasonably good condition except that the doors and windows may require replacement or upgrade. The condition of the remainder of the exterior varies, with the wing adjacent to the river needing the most attention.

The main central interior area of the building possesses high ceilings with wood trusses, a slab on grade which appears to be in good shape and probably is salvageable.

The wing to the north possesses a second story office space over a portion of the first floor, high ceilings and large sliding doors at the front and rear walls. This space is also in reasonably good shape.

The rear wing needs some work to improve it's appearance and structural integrity but probably could be salvaged.

The river side wing is in need of total replacement or major reconstruction. The walls are being braced by cables and the slab has a major crack and has moved toward the river.

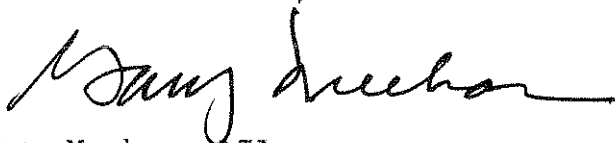
I would recommend that a Structural Engineer be retained to do a closer inspection of the roof, walls and floors.

12

Please call me if you have any further questions regarding this report.

Sincerely,

MEEHAN ARCHITECTS, P.A.

A handwritten signature in cursive script, appearing to read "Gary Meehan".

Gary Meehan, AIA  
President

GM/kmf

12



## NIXON PEABODY LLP

ATTORNEYS AT LAW

889 Elm Street  
Manchester, New Hampshire 03101-2019  
(603) 628-4000  
Fax: (603) 628-4040  
Direct Dial: (603) 628-4014  
E-Mail: ptamposi@nixonpeabody.com

December 14, 2004

### VIA HAND DELIVERY

Land and Building Committee  
Manchester Board of Alderman  
One City Hall Plaza  
Manchester, NH 03101

Re: Richard Exline Property 1823 Candia Road, Manchester, New Hampshire

Dear Sirs:

This office represents Richard Exline with respect to certain property located at 1823 Candia Road, Manchester, New Hampshire. Mr. Exline respectfully requests approval from the City of Manchester for a modest lot line adjustment and the termination of an access easement owned by the City. Unfortunately, the parties who sold Mr. Exline his property, as well as Mr. Exline's own lawyer, misrepresented both the location of the boundaries and the existence of the City's access easement. As a result, Mr. Exline's shed is only partially on his property, and his attempts to put an addition on his home have been hindered.

Earlier this fall, we met with Ron Johnson, formerly of City of Manchester, Parks, Recreation and Cemetery Department to discuss the adjustments. He indicated that there were a number of properties surrounding Mr. Exline's property which had similar minor lot line adjustments, and that the City was generally willing to accommodate such requests. He asked that we obtain an engineered drawing of Mr. Exline's lot and the City's property adjacent thereto. Enclosed for your review is Burd Engineering Associates' survey dated November 9, 2004. The parcel described as parcel "A" on the lot depicts the City's property we would seek to adjoin.

At the request of Ron Ludwig, who is also of the City of Manchester, Parks, Recreation and Cemetery Department, we forwarded the attached to Thomas Arnold, III, of the City Solicitor's Office. Mr. Arnold indicated that the Board of Alderman would need to approve the lot line adjustment and termination of the easement. The purpose of this letter is to request that Mr. Exline's request be placed on the Board's agenda at its earliest possible convenience. Specifically, Mr. Exline respectfully requests that his lot line be pushed back to the northwest side of parcel A, and that the twenty-foot access easement be terminated. I would be happy to meet with you or any of your colleagues to discuss the referenced adjustments. If you require any additional information, or would like to further discuss these issues, please do not hesitate to contact me.

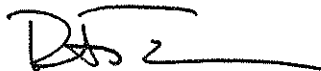
M116232.1

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NIXON PEABODY LLP

I look forward to hearing from you.

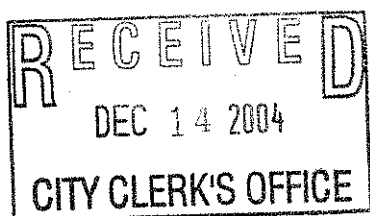
Very truly yours,



Peter N. Tamposi

PNT:jsf  
Enclosure

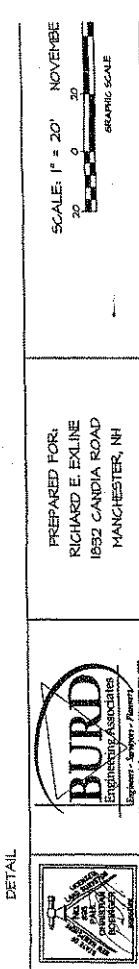
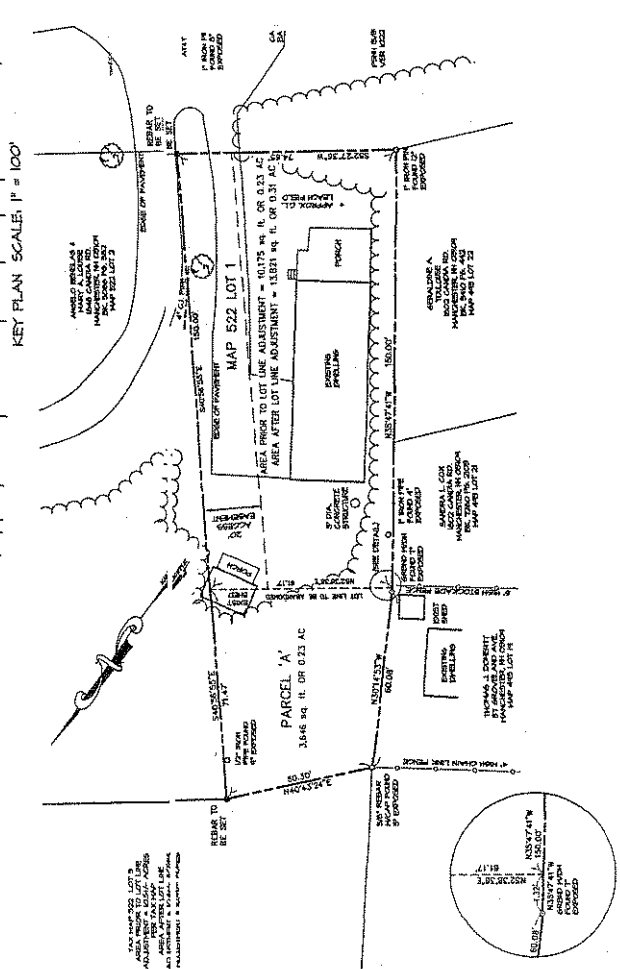
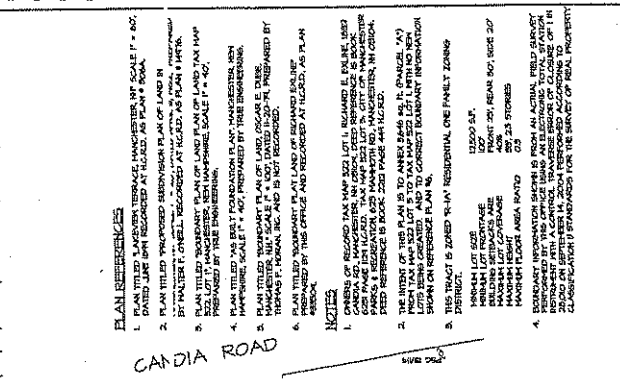
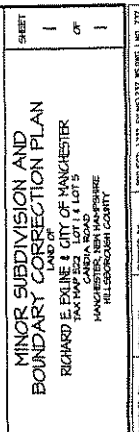
cc: Thomas Arnold (w/encl.)  
Daniel D. Muller, Esq.  
Richard Exline



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M116232.1







## CITY OF MANCHESTER Board of Assessors

One City Hall Plaza, West Wing  
Manchester, New Hampshire 03101  
Tel: (603) 624-6520 – Fax: (603) 628-6288  
Email: [assessors@manchesternh.gov](mailto:assessors@manchesternh.gov)  
Web: [www.ManchesterNH.gov](http://www.ManchesterNH.gov)



Steven G. Tellier, Chairman  
Thomas C. Nichols  
Stephen W. Hamilton

Christine Hanagan  
Assistant to Assessors

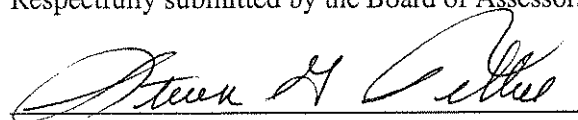
To: Committee on Lands and Buildings  
From: Board of Assessors  
Date: January 6, 2005

Re: Request to Purchase Limited Land Area Loc: Youngsville Park, off Candia Rd. Map 522 Lot 5  
From: Richard Exline, 1832 Candia Rd. Map 522 Lot 1

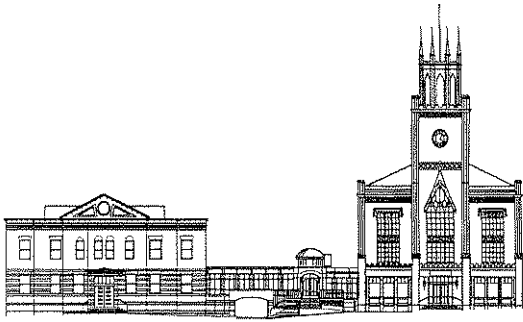
The Assessors have completed an analysis of the estimated market value of the above referenced property. An analysis of the available assessing records has been completed. The following is a summary of important facts, and the value estimate:

Property Location	City Parkland on Candia Rd.- Youngsville Park
Assessors Map/Lot	522/5 (Source Lot)
Property Owner	City of Manchester
Deed Book/Page	
Date Acquired	
Improved/Vacant	Site specific to vacant-inactive rear area of residual City parkland
Total Land Area Requested for Purchase	3,646 Square Feet
Current Zoning	R1-A
Overlay District	
Easements/Restrictions	20 Foot Access Easement described on submitted Burd Plan.
Utilities Available	Water/Sewer from Candia Rd.
Total Current Assessment	Exempt
Indicated Range of Value/Unit	Approximately \$1.00 p/ft
Indicated Range of Value	\$3,000-\$3,500
Comments	No value has been assigned to 20' access easement in this report.

Respectfully submitted by the Board of Assessors,



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*Welcome to the City Of Manchester NH, Where History Invites Opportunity!*

*City of Manchester Office of the Tax Collector*

**City Hall One City Hall Plaza**

*Manchester, New Hampshire 03101*

*Joan A. Porter, Tax Collector*

Tele: (603) 624-6575

Fax: (603) 628-6162

Web Site: <http://www.manchesternh.gov>

Email: [taxcollector@ci.manchester.nh.us](mailto:taxcollector@ci.manchester.nh.us)

## Memorandum

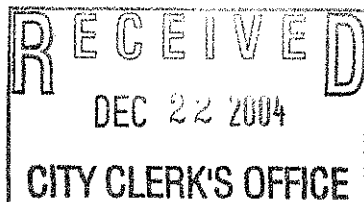
DATE: DECEMBER 21, 2004

TO: LAND & BUILDINGS COMMITTEE

FROM: JOAN PORTER, TAX COLLECTOR

RE: PROPERTY LOCATED AT 1823 CANDIA ROAD

The Tax Collector's Office has no interest in the above-referenced property since it is not a tax-deeded parcel.



13



**City of Manchester  
Department of Highways**

227 Maple Street  
Manchester, New Hampshire 03103-5596  
(603) 624-6444 Fax # (603) 624-6487

**Commission**

Edward J. Beleski  
- Chairman  
Henry R. Bourgeois  
William F. Kelley  
Michael W. Lowry  
William A. Varkas

Frank C. Thomas, P.E.  
Public Works Director

Kevin A. Sheppard, P.E.  
Deputy Public Works Director

December 16, 2004

Committee on Lands and Buildings  
Board of Mayor and Aldermen  
c/o Leo R. Bernier, City Clerk  
One City Hall Plaza  
Manchester, New Hampshire 03101

RE: PROPERTY AT 1823 CANDIA ROAD

Dear Committee Members,

We have reviewed the request of Attorney Peter Tampsosi to convey 0.23 acres to his client, Richard Exline, and to terminate a right of way over the Exline's land to the City's property. The property in question is shown in the Assessor's records as Map 522 Lot 5. It is approximately 10 acres of woodland between Candia Road and Route 101 and between Groveland Avenue and other land of the City. The City acquired this property May 1972 from Burton A. Cook (HCRD 2212-449).

The Highway Department has the following comments:

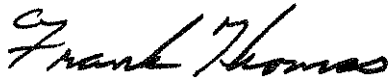
- Other than a sketch, the subdivision plan fails to show the boundaries of the remaining City land after the subdivision. As the subject of subdivision the boundaries of the City land must be shown.
- The deed granting the land to the City is subject to 2 rights of way and 4 land exceptions. It would be necessary to identify the location of those grants in relation to the City's boundaries to be assured they are not in the area of this request.
- There appears to be only two access points into the City's land. The 20' access from Candia Road, subject of this proposal, would be eliminated. The second access is a 20' unimproved strip of land next to 109 Groveland Avenue. The validity of the Groveland Ave access point should be assessed, as it is not referenced in the City's deed.

The proposal does not address the encroachment of the shed onto land of Map 522 Lot 2. Is it possible the shed will have to be moved even if the City conveys the land to Mr. Exline?

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If further information of this site is needed I can be contacted at the Highway Department, 624-6444 extension 301

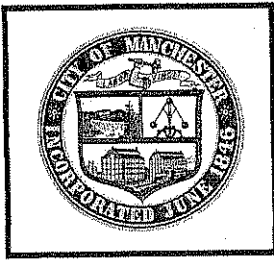
Sincerely,

A handwritten signature in cursive script that reads "Frank Thomas". The signature is written in dark ink and is positioned to the left of the typed name.

Frank Thomas, P.E.  
Public Works Director

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*City of Manchester Planning and Community Development*  
One City Hall Plaza  
Manchester, New Hampshire 03101  
603-624-6450  
Fax 603-624-6529

February 24, 2005

Committee on Land and Buildings  
Honorable Board of Mayor and Aldermen  
City Hall - One City Hall Plaza  
Manchester, N.H. 03101

RE: *Request by owner of TM 522, Lot 1, to acquire a 0.23 acre portion of TM 522, Lot 5, a city-owned parcel abutting Youngsville Park*

Dear Committee Members:

This is to provide a report pursuant to Section 34.20 pertaining to the above-referenced city-owned land. The Planning Department has reviewed the affected properties and has communicated with the Parks, Recreation & Cemetery Department about their opinion in this matter because the involved city-owned property is under their jurisdiction.

**Background:** The City recently received a letter from Richard Exline, the owner of a single family residence at 1832 Candia Road (TM 522, Lot 1), inquiring about the possibility of (a) acquiring an 0.23 acre [app.] portion of an abutting 9.3 acre city-owned parcel known as TM 522, Lot 5, and (b) extinguishing a 20 wide feet public access easement which runs over his land into Lot 5 from Candia road.

City-owned Lot 5 is a landlocked parcel which abuts the west side of Youngsville Park and it is currently served by two access easements which allow the public entry into this property from town roads. In addition to the easement over Mr. Exline's land, the other ROW enters Lot 5 from nearby Groveland Avenue (see attached maps). The City also owns several Groveland Avenue parcels which directly abut Lot 5.

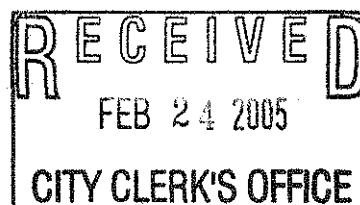
According to survey plans submitted by Mr. Exline, a portion (or all) of a shed he owns which is located in the rear of his property appears to be situated on city-owned Lot 5 as well as on the privately-owned abutting Lot 2. Mr. Exline is apparently seeking to partially resolve his shed location problem by acquiring the city-owned property in question.

**Surplus Determination and Disposition:** It is both the Planning and the Parks Department's long-held position to strongly discourage sales of existing parklands to abutting property owners. As Committee members are aware, most of the City's current stock of parklands are already under heavy use and there is routine public demand for the acquisition of more such space for recreational purposes. With this in mind, our feeling is that the ultimate result of selling off portions of existing parklands, such as is being proposed by Mr. Exline, is to send the message to other abutters that their privilege is the same – and the net effect would be for the Committee to promote the gradual loss of existing public parklands.

Our recommendation, therefore, is that city-owned Lot 5 not be declared surplus and that the public access easement not be extinguished.

Sincerely,

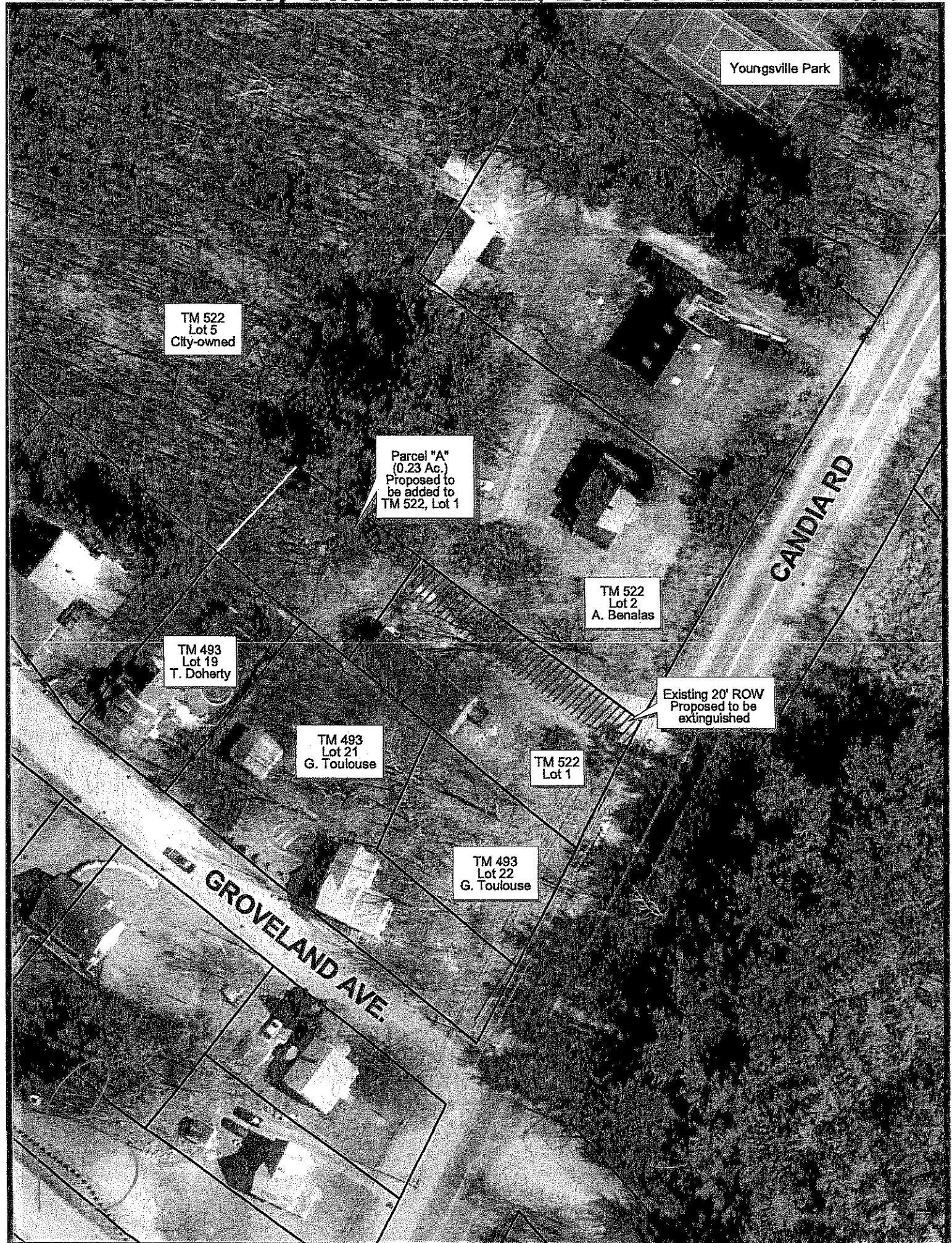
Robert S. MacKenzie,  
Director of Planning



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# ENVIRONS OF CITY-OWNED TM 522, LOT 5 ON Candia Road



Youngsville Park

TM 522  
Lot 5  
City-owned

Parcel "A"  
(0.23 Ac.)  
Proposed to  
be added to  
TM 522, Lot 1

TM 522  
Lot 2  
A. Benalas

TM 493  
Lot 19  
T. Doherty

TM 493  
Lot 21  
G. Toulouse

TM 522  
Lot 1

Existing 20' ROW  
Proposed to be  
extinguished

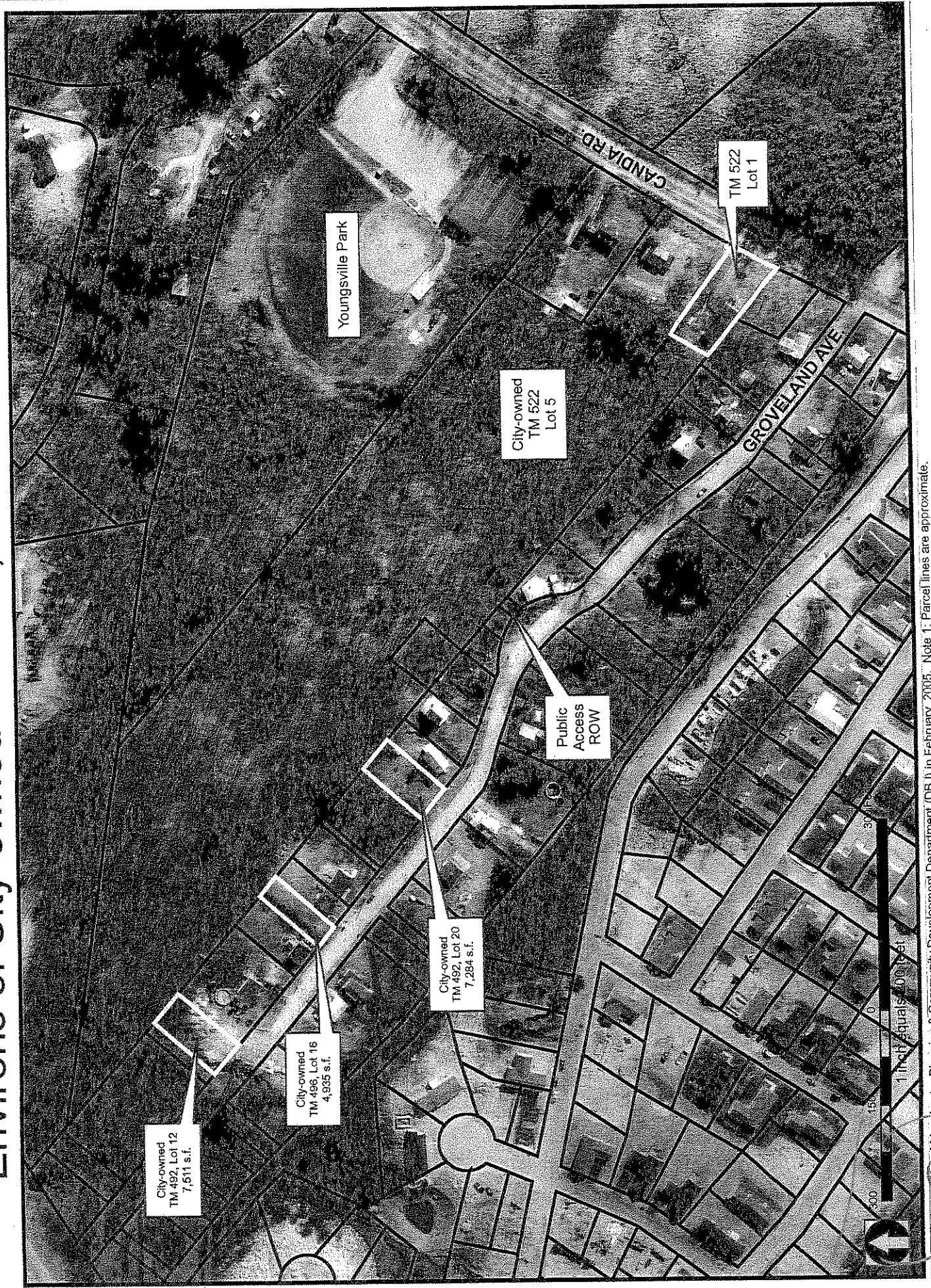
TM 493  
Lot 22  
G. Toulouse

GROVELAND AVE.

CANDIA RD



# Environs of City-owned TM 522, Lot 5 off Candia Road





*City of Manchester Planning and Community Development*  
One City Hall Plaza  
Manchester, New Hampshire 03101  
603-624-6450  
Fax (603-624-6529)

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***DB-GRAM***

*To:* City Clerk's Office

*From:* David Beauchesne, Urban Planner *DB*

*Date:* 10 November, 2004

*Re:* Draft *City of Manchester Policy Regarding Private Sector Use of the Former  
Portsmouth Branch Railroad Line Right-of-Way*

Attached please find a copy of the above reference document with associated map.

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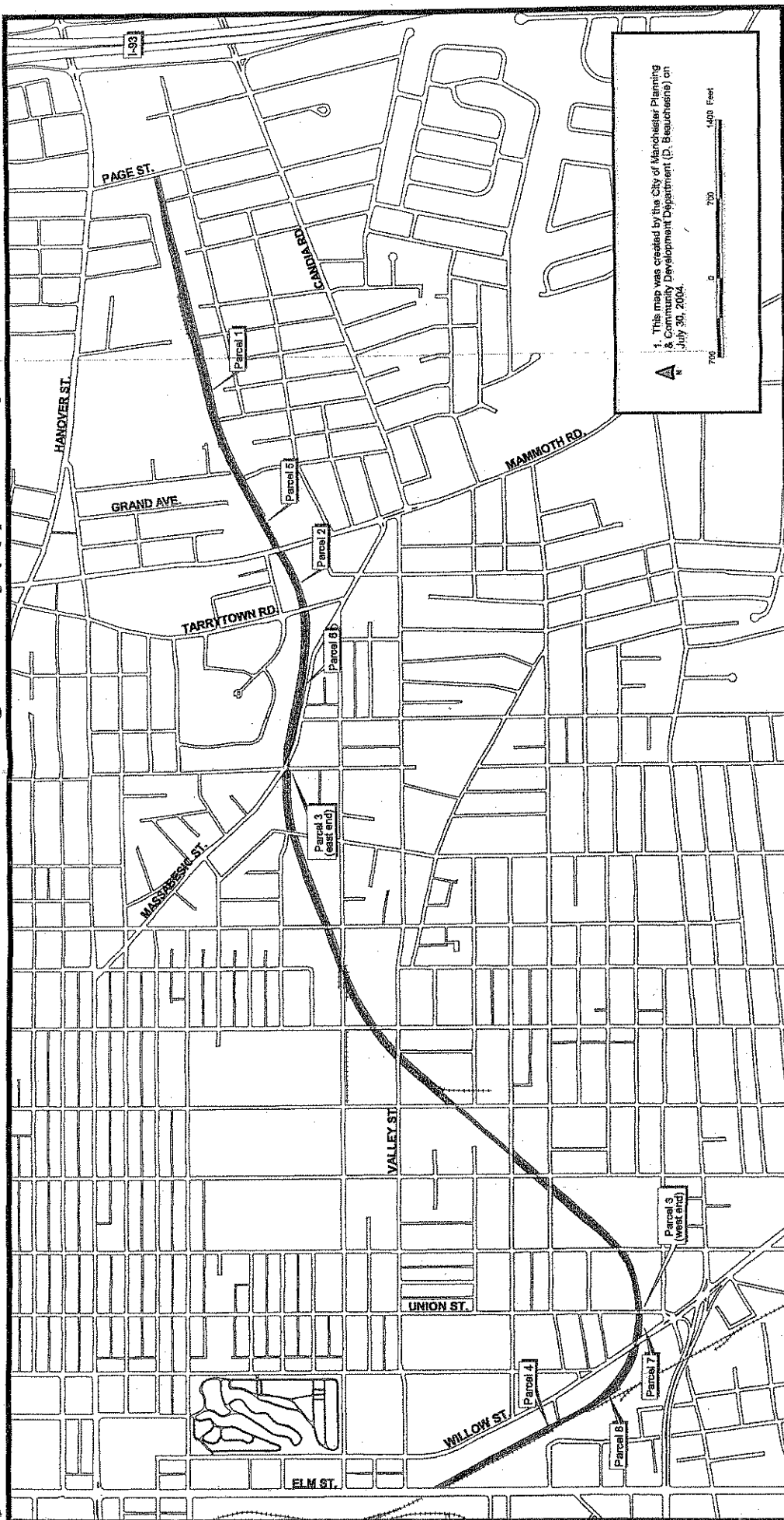
*City of Manchester Policy  
Regarding  
Private Sector Use of  
the Former Portsmouth Branch Railroad Line Right-of-Way*

1. *BECAUSE* the conveyance deed which transferred the former Portsmouth Branch Line right-of-way from the State of New Hampshire to the City of Manchester requires that the City of Manchester “shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public”; and
2. *BECAUSE* that same deed requires that “Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process”; and
3. *BECAUSE* that same deed requires that the “City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor”; and
4. *BECAUSE* that same deed reserves to the State of New Hampshire “a transportation easement, 30 feet in width, crossing all the [parcels associated with the former Portsmouth Branch Line ROW] for any mode of public travel. . . .”, and
5. *BECAUSE* any application by the City for state and federal Section 106 historic review which would be necessitated by any alteration to the former Portsmouth Branch railroad corridor would represent a significant time and monetary expense to the City;
6. It is *CONSEQUENTLY* the policy of the City of Manchester to  
  
*PROMOTE* the development of authorized public recreational uses along the former Portsmouth Branch railroad corridor; and, in order to satisfactorily ensure this end,  
  
*DISCOURAGE* private sector uses on any portion of the former Portsmouth Branch railroad corridor.
7. In any exceptional case where the City is considering the authorization of private sector use of any portion of the former Portsmouth Branch railroad corridor, it is also the policy of the City of Manchester to ensure the following:
  - (a) That any terrain alteration activities will be strictly limited to removal of steel rails and wooden ballast works, the installation of recreational trails, and/or installation of a loam and grass seed cover and that any such activity and work will be carried out under the supervision, and to the satisfaction, of the Parks, Recreation and Cemetery Department;
  - (b) That all approved terrain alteration, recreational trail installation, and/or loam and grass seeding activity will be carried out and paid for by the authorized private sector entity;
  - (c) That no structure or object, including fencing, not related to recreational trail usage will be constructed or placed within any portion of the former Portsmouth Branch railroad corridor;
  - (d) That the general public will retain continual freedom of movement over the entire area of the Portsmouth Branch railroad corridor;

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- (e) That no use will be authorized if its current or future purpose is to satisfy, or aid in satisfying for any private sector person or entity, any zoning ordinance, site plan or subdivision requirement, or any other municipal ordinance or regulation;
- (f) That no use will be authorized if any activity associated with that use would sufficiently alter the former Portsmouth Branch railroad corridor in such a way as to necessitate any state or federal evaluation under the Section 106 historic review process;
- (g) That any and all uses permitted by the City shall be by written license;
- (h) That any and all issued licenses shall contain a provision which will allow it to be revocable by the City, in its sole discretion at any time for any reason. Upon revocation the private person or entity shall return Portsmouth Branch corridor to its original condition or to such condition as the Parks, Recreation and Cemeteries Department shall direct; and
- (i) That any issued license may contain any provision deemed reasonable by the City Solicitor to carry out the intent of this policy or for any other purpose.

# Portsmouth Branch Railroad Right-of-Way (approximate)



JMS VALLEY GROVE, LLC  
P.O. BOX 6482  
MANCHESTER, NH 03108-6482  
603-626-7333

Alderman Henry R. Thibault  
Chairman of Lands and Building Committee  
City of Manchester  
One City Hall Plaza  
Manchester, NH 03101

Dear Mr. Thibault.

After speaking with Mr. Osborne, Mr. Johnson and the DPW, they recommended that I direct my requests to your office. My brother Mark and I own and manage the Valley Grove Apartments located in the 700 series on Valley and Grove Streets, just north of Belmont. Since purchasing the property we have dedicated our efforts to capital improvements of the buildings interiors. Now that spring is upon us, we would like to positively enhance our neighborhood by maintaining the rail bed that separates the properties. Specifically, we would like to create an open space area that would be conducive for children to play unimpeded by the liability surrounding the iron rails and the wooden supports below them.

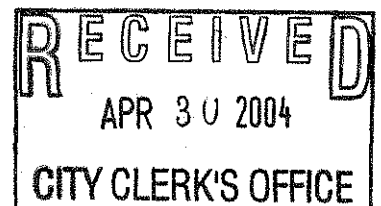
Our proposals would not, in any way, financially burden the city and would in fact lessen or eliminate a potential hot spot for injury. Mark and I would like to remove the railroad tracks, spread loam and seed creating a grassed play area for the children of the apartment complex. Our plans do not include the use of any recreational structures or any outside contractors. Rough drawings of our intentions are included herein.

We certainly would appreciate any of your recommendations.

Sincerely,



Steve Mscisz  
Manager  
JMS Valley Grove Apartments  
603-626-7333



14

VALLEY ST.

744  
VALLEY  
APTS

PARKING

722  
VALLEY  
APTS

LUIGIS  
REST

BELMONT ST.

FENCE

NEW  
FENCE

PROPOSED  
AREA

NEW  
FENCE

FENCE

RAIL BED

FENCE

FENCE

PARKING

PARKING

739  
GROVE  
APTS

733  
GROVE  
APTS

GROVE ST.

14

To: Committee on Lands and Buildings  
From: Board of Assessors  
Date: December 15, 2004

Re: Map 129 Lot 12  
Owner of abutting property- MMSM LLC  
Address: 722- 744 Valley St & 733 Grove Street  
Request to Purchase Property or Lease/License Property

The Assessors have completed an analysis of the estimated market value of the above referenced property. An analysis of the available assessing records has been completed. A review of sales of excess B & M railroad tract land has also been completed. The following is a summary of important facts, and the value estimate:

Property Location	Land is located between Valley and Grove Street & Belmont and Taylor
Assessors Map/Lot	Map 129 Lot is not assigned
Property Owner	City of Manchester, NH
Deed Book/Page	Deeded 1/10/02 Book 6561 Page 1308
Date Acquired	Jan 11, 2002
Improved/Vacant	Vacant
Total Land Area	14,362
Current Zoning	RDV Which means Any permitted use
Easements/Restrictions	Railroad
Utilities Available	All
Total Current Assessment	\$0
Indicated Range of Value/Unit	\$4.00 per foot
Indicated Range of Value	\$57,448
Comments	We are using \$4.00 per sq. ft, which is what B & M is selling land to individuals that purchase land in areas like this one.

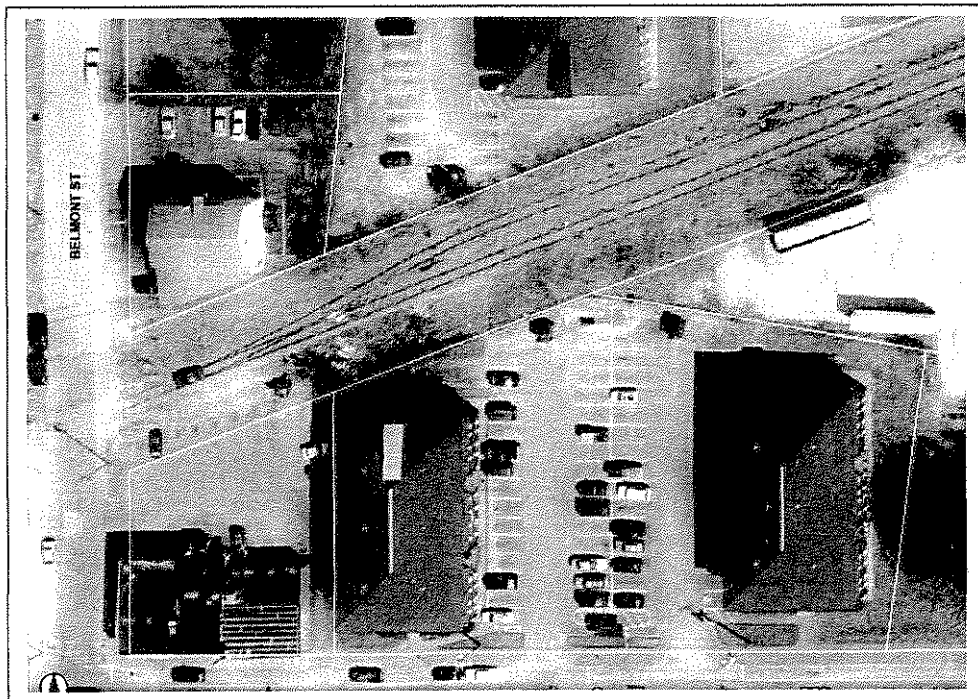
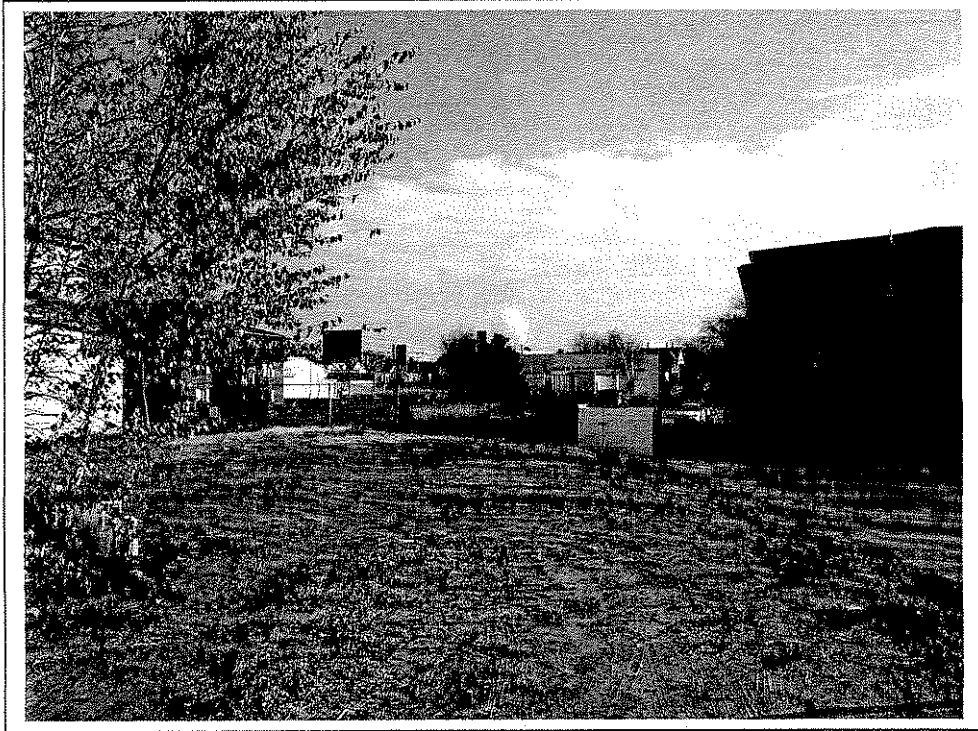
Respectfully submitted by the Board of Assessors,

Thomas C. Nichols

14



JMS Valley Grove Apartments



14



Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

July 22, 2004

Committee on Land and Buildings  
Honorable Board of Mayor and Aldermen  
City Hall - One City Hall Plaza  
Manchester, N.H. 03101

RE: *Disposition of city-owned land located between Valley and Grove Streets previously owned by the B&B Railroad Company*

Dear Committee Members:

This is to provide a report pursuant to Section 23½ pertaining to the above-referenced city-owned land.

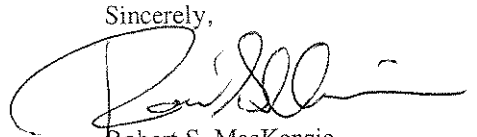
The City recently received a letter from JMS Valley Grove LLC inquiring about the possibility of acquiring, or receiving permission to use, an approximately 200 foot long section of the city-owned former Portsmouth Branch rail corridor which passes between the Valley Grove Apartment complex which is located on Valley and Grove Streets a short distance to the east of Belmont Street. The specific purpose for their request is to acquire land which may be used as a private playground for the lessees of their several abutting apartment buildings; one aspect of their plan involves fencing off any city-owned land they may acquire for their private and exclusive use.

Evidence from a recent site visit appears to indicate that agents for JMS Valley Grove LLC have already erected a timber barrier across the former rail ROW at the east end of their properties, removed and disposed of at least 200+ feet of city-owned steel rails and supportive timber ballast which previously crossed that area, and they have proceeded to loam, seed and water that city-owned land in a manner conducive to exclusive private use. Thus, through their current request, JMS Valley Grove, LLC, appears to be seeking retroactive authorization to use and/or own land which they have already altered and occupied without permission.

**Surplus Determination:** The Planning Department has reviewed the affected properties and communicated with the Parks Department about this matter and we wish to report, as we have in similar cases in the past, that in transferring ownership of this ROW to the City, the State of New Hampshire included a deed provision which requires that the subject rail ROW be used as a recreational trail. With this in mind, it would appear that any kind of sale of this former rail ROW to private sector interests would be in violation of this agreement and, as a result, we do not recommend that any portion of the ROW be determined surplus to City needs.

**Disposition:** While the applicant's development of the subject land in advance of any formal permission to use it is improper, our sense is that their proposed use of the land is inoffensive and we would recommend the following disposition: if it would not obstruct or otherwise compromise any portion of the City's future pedestrian/ bicycle trail plan, the Committee may wish to recommend that a license be issued to JMS Valley Grove LLC allowing their use of an appropriate portion of the subject ROW for their playground needs. Our advice is based on the condition that (a) no private fence be placed on any part of the ROW; (b) no permanent structure be erected on the ROW; and (c) the public continue to have, as it does now, freedom of movement along the entire length of the former rail corridor.

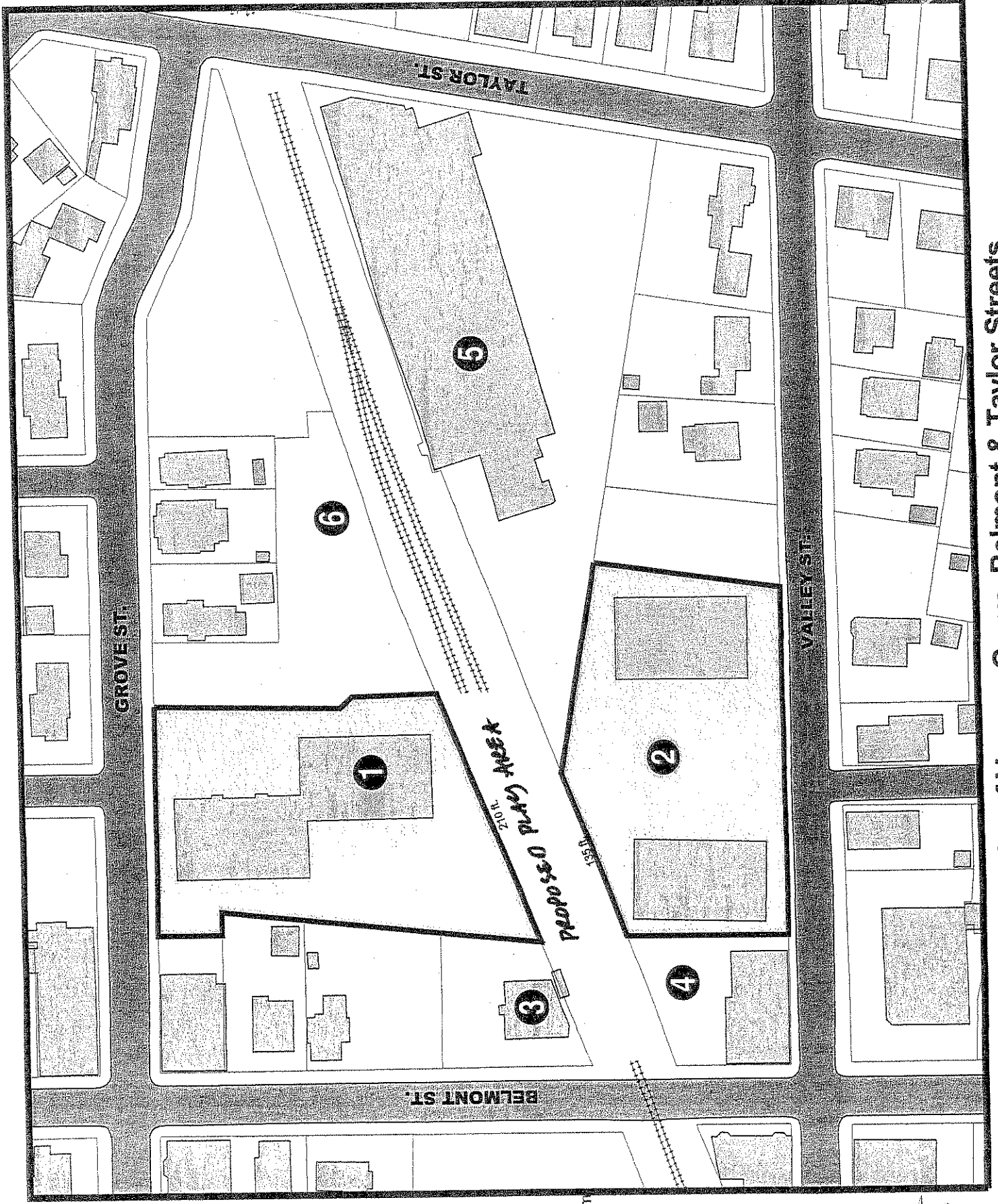
Sincerely,

  
Robert S. MacKenzie  
Director of Planning

One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)

# PARCEL INFO

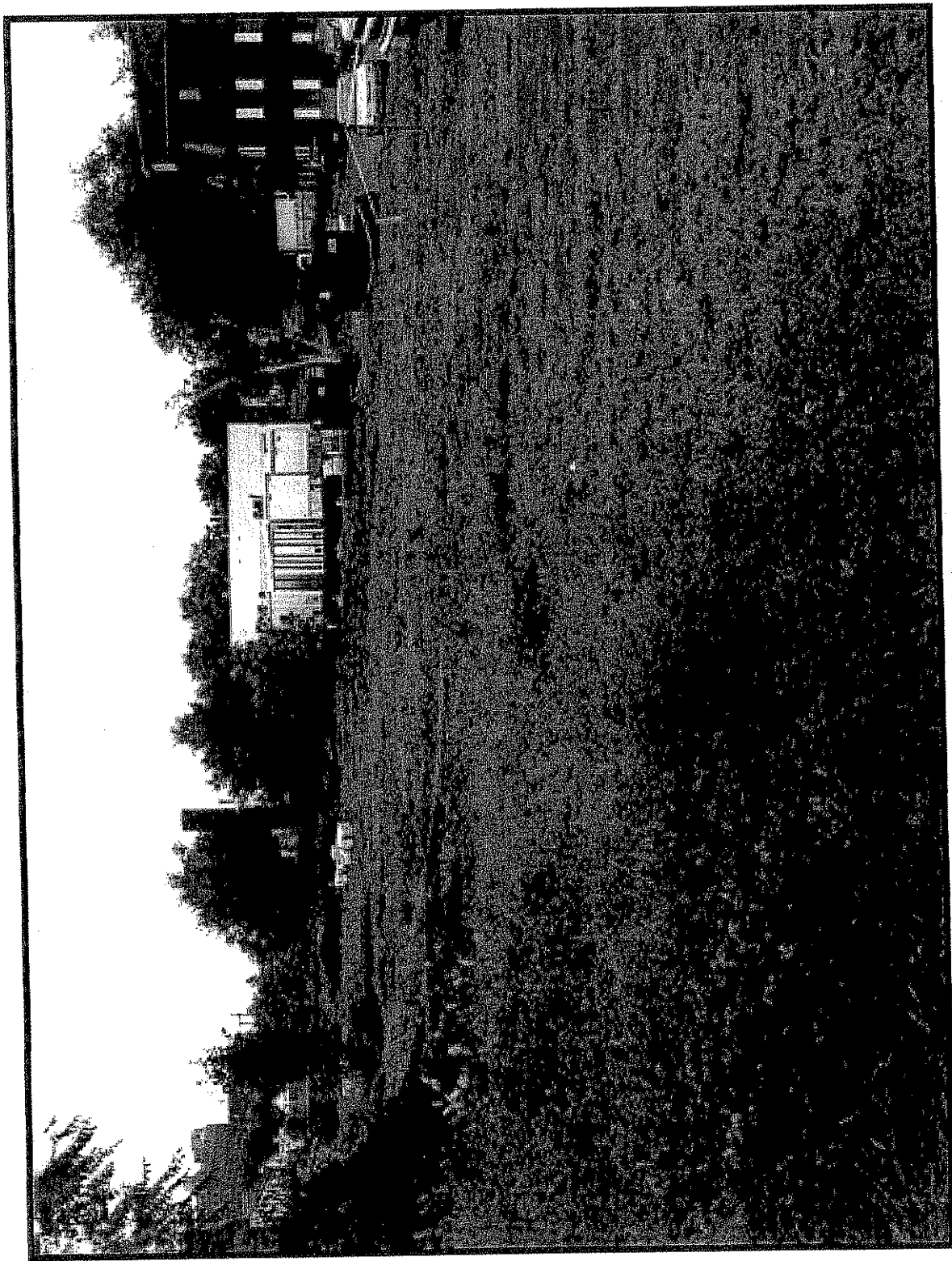
- 1 TM 129 - Lot 6  
733 Grove St.  
MMSM LLC  
1.04 Acres
- 2 TM 129 - Lot 12  
744 Valley St.  
MMSM LLC  
1.00 Acre
- 3 TM 129 - Lot 10  
303 Belmont St.
- 4 TM 129 - Lot 11  
706 Valley St.  
Luigi's Pizza
- 5 TM 129 - Lot 17  
324 Taylor St.  
Standard Uniform  
Rental Service



Map created on 7/9/04 by the City of Manchester Planning & Community Development Department (DJB).  
All data shown on this map derived from the City of Manchester GIS.  
Map scale: One inch = 100 feet

## Vicinity of Varney, Grove, Belmont & Taylor Streets

14



VIEW EAST

7/17/64

RR ROW

VIEW - GRACE-4



**CITY OF MANCHESTER**  
**Parks, Recreation & Cemetery Department**

625 Mammoth Road  
Manchester, NH 03104-5491  
(603) 624-6565 Administrative Office  
(603) 624-6514 Cemetery Division  
(603) 624-6569 Fax

**COMMISSION**

George "Butch" Joseph, Chairman  
Steve Johnson, Clerk  
Michael Worsley  
Joseph Sullivan  
Sandra Lambert  
Ronald Ludwig, Director

July 26, 2004

Alderman Henry Thibault, Chairman - Lands & Buildings Committee  
Board of Mayor & Aldermen  
One City Hall Plaza  
Manchester, NH 03101

**Re: Abandoned Rail Corridors**

Dear Alderman Thibault:

In 2001, the New Hampshire Department of Transportation transferred ownership of the Manchester and Portsmouth Branch railroad corridor to the City for use as a recreational trail. However, the state placed several restrictions on the use of this property that must be considered before a decision is made regarding requests from abutters to utilize portions of this property.

At the May 26, 2004 Lands and Buildings Committee meeting, a vote was taken to table these requests pending development of a standard policy by City staff. I recently met with Tom Arnold from the City Solicitor's Office and David Beauchense from the Planning Department to discuss what should be included in this policy. While our meeting was productive, we will need some additional time to develop a written policy for your review.

In view of the restrictions placed on this property by the State and the City's long range plans for a recreational trail, it is certain that we will not recommend fee simple purchases. It may be possible to develop an agreement for temporary use that would not include any structures with a reversionary clause that would allow the City to construct a recreational trail at a future date.

We will have our recommendations for this policy available for your next scheduled meeting.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Thomas Arnold, Deputy City Solicitor  
David Beauchense, Planning & Community Development

14

**To the Honorable Board of Mayor and Alderman of the City of  
Manchester: Lands & Buildings Committee**

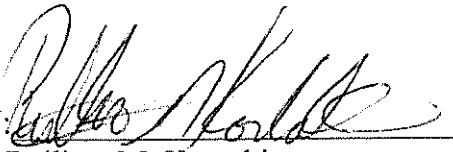
I am writing you today to request a meeting to acquire property previously owned by Boston & Maine Railroad Co., now owned by The State of New Hampshire. Said property is located at Belmont Street with Valley St. as a cross street on the southwest and Grove St. on the Northeast. It is located on map #128.

The reason for this request is that I own Property & Business located at 706 to 722 Valley Street, said property is behind my business known as Luigi's Pizza Bar & Grille. I would like to clean up old railroad tracks and use it as additional parking. I understand that said property is to be used as a Bike trail. Property's width is approximately 50 feet 20 feet should be adequate for bike trail the remaining 30 feet is what I would like to redevelop and use as additional parking. Enclosed is a rough drawing for the redevelopment and use of property.

I look forward to meeting with you to discuss this matter further. Thank You!!

Dated at the City of Manchester, New Hampshire this 8<sup>th</sup> day of September 2003.

BY:

  
Rallitsa M. Kostakis

AS-B+1-S  
778' Ft.  
Coal

(10)  
UMR  
11/84

AND

D-100-63  
44208

CONCORD

243.70 (OVERALL)  
134.77

42,283  $\phi$   
0.971 AC.

5-2-82

(12)

122.68

6542  
156  
6698  
10,564  
0.242 AC.

11976  
5935  
7701

5-2-82

UMR  
3/7/90

00676

3935

48.00

367.50 (OVERALL)  
722

106-719 - 720

265.50

00676

0-1597



2005337

2002 JAN 11 PM 1:39

*#557 Manchester City Solicitor*  
18-34  
2

KNOW ALL MEN BY THESE PRESENTS

THAT, The State of New Hampshire, whose mailing address is the Department of Transportation, 1 Hazen Drive, P.O. Box 483, Concord, NH 03302-0483, pursuant to RSA 4:40 and RSA 228:67, for considerations paid to it in hand before the delivery hereof, well and truly paid by the City of Manchester, a municipal corporation, whose mailing address is 1 City Hall Plaza, Manchester, NH 03101-2097, has remised, released and forever QUITCLAIMED, and by these presents, does remise, release and forever quitclaim unto said City of Manchester, its successors, and assigns forever:

Any and all interest the State of New Hampshire has in a portion of the abandoned Portsmouth Branch railroad corridor, including all stations, buildings, bridges, structures, crossings, culverts and improvements thereon and including all appurtenances thereto and formerly owned by the Boston and Maine Corporation, the Elliot Hospital of the City of Manchester, 67 Willow Street Realty, L.L.C., and the Flying Horse Realty, Inc., located in the City of Manchester, bounded and described as follows:

**Parcel 1:**

Beginning at a point designated as Engineering Station 1967+70+/- located on the westerly sideline of Page Street as shown on Railroad Valuation Plan V28NH, Map 38; thence running generally in a westerly direction to a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39.

**Parcel 2:**

Beginning at a point designated as Engineering Station 2002+90+/- located on the westerly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2008+05+/- at the easterly sideline of Hall Road as shown on Railroad Valuation Plan V28NH, Map 39.

**Parcel 3:**

Beginning at a point designated as Engineering Station 2021+70+/- located on the westerly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2080+80+/- at the easterly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41.

**Parcel 4:**

Beginning at a point designated as Engineering Station 2094+12+/- as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a northwesterly direction to a point designated as Engineering Station 2104+28+/- at the easterly sideline of Elm Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 6200, Pages 40 - 48 on January 11, 2000, said parcels containing an area of 12.45 acres, more or less.

15

BK6561PG1308



**Parcel 5:**

Beginning at a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2002+44+/- located on the easterly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 5719, Pages 215 – 221 on May 21, 1996, said parcel containing an area of 0.66 acres, more or less.

**Parcel 6:**

Beginning at a point designated as Engineering Station 2008+61+/- located on the westerly sideline of Hall Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2021+76+/- at the easterly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Elliot Hospital of the City of Manchester by an easement recorded in the Hillsborough County Registry of Deed in Book 5645, Pages 1085 – 1087 on August 1, 1995, said parcel containing an area of 0.60 acres, more or less.

**Parcel 7:**

Beginning at a point designated as Engineering Station 2081+13+/- located on the westerly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a westerly direction to a point designated as Engineering Station 2083+33+/- at the easterly sideline of Willow Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the 67 Willow Street Realty, L.L.C. by an easement recorded in the Hillsborough County Registry of Deed in Book 6513, Pages 131 – 132 on October 30, 2001, said parcel containing an area of 0.15 acres, more or less.

**Parcel 8:**

Beginning at the southerly most point of said premises, at an iron pin with cap to be set; thence along a curve westerly along said parcel with a radius of 962.57 feet, a distance of 479.56 feet to a point; thence N8°25'43"W a distance of 108.31 feet to a point; thence along a curve southeasterly with a radius of 932.57 feet to a point on Willow Street in Manchester, New Hampshire; thence S13°52'44" east a distance of 45.99 feet to the point of beginning, as shown on plan entitled "Easement Plan of Land prepared for Flying Horse Realty Inc., in Manchester, NH, scale 1" = 40", Date: January 11, 2000", prepared by Duval Survey, Inc., 14 Dartmouth Street, Hooksett, NH 03103, and recorded in the Hillsborough County Registry of Deeds as Plan No. 30334.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Flying Horse Realty, Inc., by an easement recorded in the Hillsborough County Registry of Deed in Book 6208, Pages 26 – 27 on February 9, 2000, said parcel containing an area of 0.34 acres, more or less.

BK65561 Pg 1303

15

As a further condition of this instrument, the City of Manchester agrees to the following:

1.) The City of Manchester shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public.

2.) Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process.

3.) The City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor.

**Excepting and Reserving**, to the State of New Hampshire by or through its Department of Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the above-described parcels for any mode of public travel, including, but not limited to, vehicular, railroad, bus, or other form of mass transit, pedestrian, bicycle, snowmobile (not including motorcycles) or other form of recreational travel.

**TO HAVE AND TO HOLD** said premises, with all the privileges and appurtenances thereunto belonging to the City of Manchester, its successors and assigns forever.

**IN WITNESS WHEREOF**, The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of the New Hampshire Department of Transportation, duly authorized and executed this 14<sup>th</sup> day of December, 20 01.

Signed, Sealed and Delivered  
in the presence of

Diane Hartford

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION

Carol A. Murray  
Commissioner

THE STATE OF NEW HAMPSHIRE      COUNTY OF MERRIMACK

On this 14<sup>th</sup> day of December, 20 01, before me, Diane Hartford the undersigned officer, personally appeared the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the forgoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

DIANE L. HARTFORD  
Notary Public  
My Commission Expires July 31, 2004

Diane L. Hartford  
NOTARY PUBLIC

15  
Approved by New Hampshire Council on Resources and Development on July 14, 2000.  
Approved by Long Range Capital Planning and Utilization Committee on August 22, 2001.  
Approved by Governor and Executive Council on October 10, 2001, Item # 146.

BK6561P61310

To: Committee on Lands and Buildings  
From: Board of Assessors  
Date: December 15, 2004

Re: Map 129  
Owner- Litsas LLC- Peter Kostakis  
Request to Purchase Property or Lease/License Property

The Assessors have completed an analysis of the estimated market value of the above referenced property. An analysis of the available assessing records has been completed. A review of sales of excess B & M railroad tract land has also been completed. The following is a summary of important facts, and the value estimate:

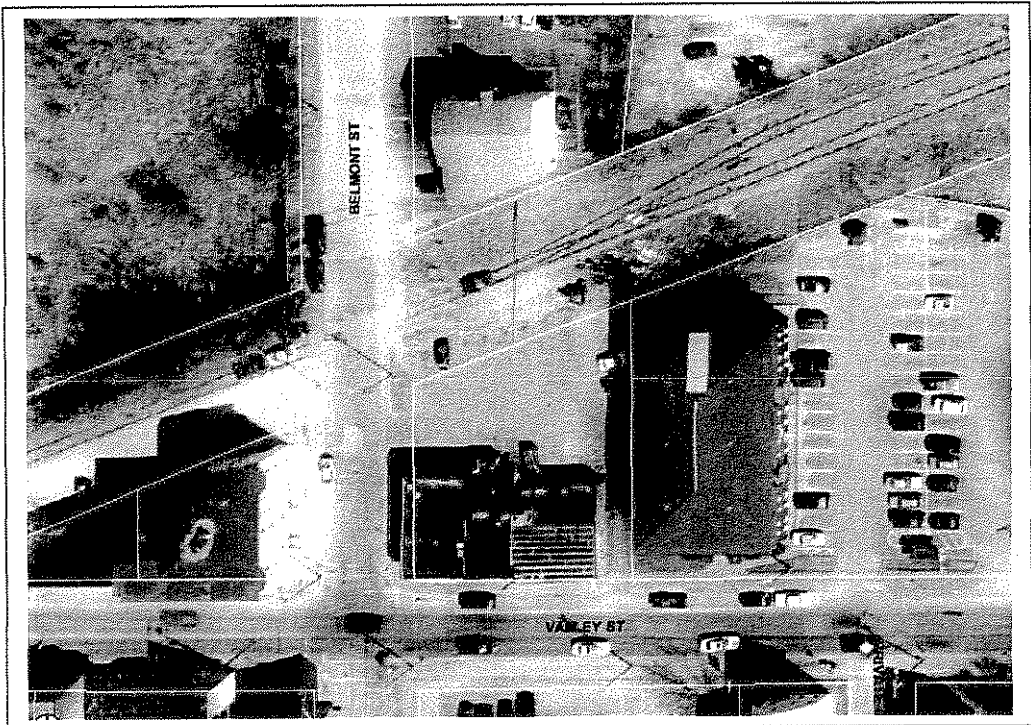
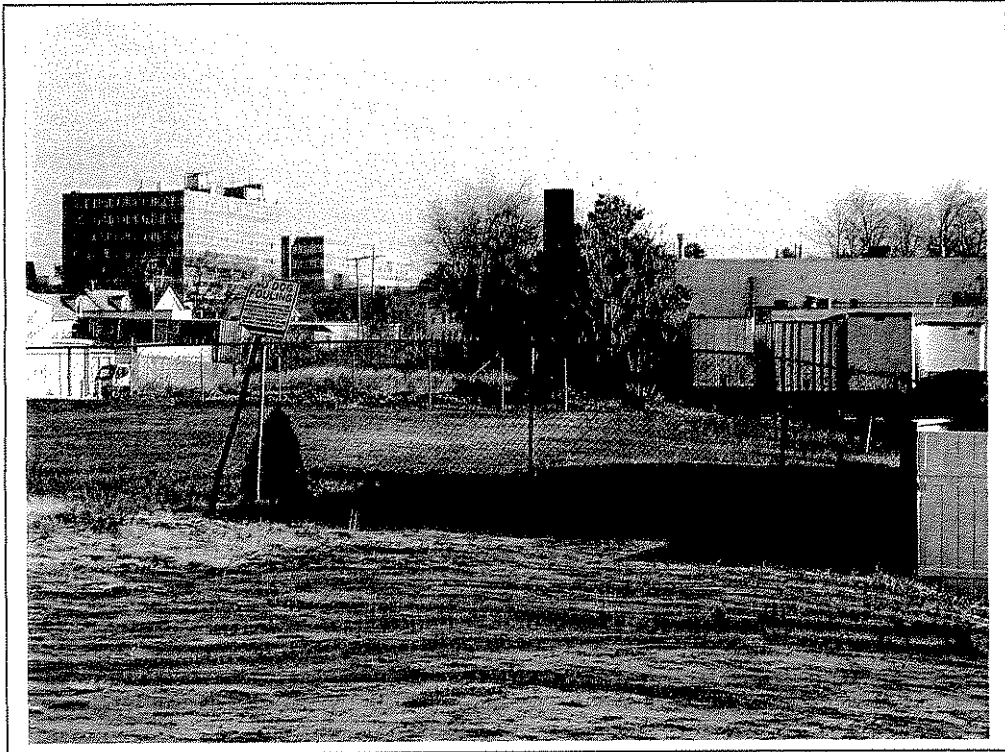
Property Location	Land is located Valley and Belmont St. in back of Luigi's Pizza
Assessors Map/Lot	Map 129 Lot is not assigned
Property Owner	City of Manchester, NH
Deed Book/Page	Deeded 1/10/02 Book 6561 Page 1308
Date Acquired	Jan 11, 2002
Improved/Vacant	Vacant
Total Land Area	6,621
Current Zoning	RDV Which means Any permitted use
Easements/Restrictions	Railroad
Utilities Available	All
Total Current Assessment	\$0
Indicated Range of Value/Unit	\$4.00 per foot
Indicated Range of Value	\$26,484
Comments	We are using \$4.00 per sq. ft, which is what B & M is selling land to individuals that purchase land in areas like this one.

Respectfully submitted by the Board of Assessors,

Thomas C. Nichols

15

Luigi's Pizza



15

<b>CURRENT OWNER</b>		<b>TOPO.</b>		<b>UTILITIES</b>		<b>STRT./ROAD</b>		<b>LOCATION</b>	
LITSAS LLC		1) Suitable		1 All Public		1 Paved		1 Urban	
712 VALLEY ST		1 Level		5 Curb & Gutter		9 Corner			
MANCHESTER, NH 03103				6 Sidewalk					
Additional Owners:									

<b>SUPPLEMENTAL DATA</b>	
Account #	20856512
Land Adjust	NO
Voided	NO
Total SF	10564
Zone	C
Frontage/Dep	No
Parcel Zip	03103-4307

GIS ID:

<b>RECORD OF OWNERSHIP</b>		<b>BK VOLTAGE</b>		<b>SALE DATE</b>		<b>gm/va</b>		<b>SALE PRICE</b>		<b>V.C.</b>	
LITSAS LLC		6941/1700		05/29/2003		U		I		315,000	
TSOURVAKAS, VISSARION C				06/11/1982						0	
SOCHA EDWARD JJR				08/20/1981						0	
MARTEL CLEMENS M										0	

<b>EXEMPTIONS</b>		<b>OTHER ASSESSMENTS</b>	
Year	Type/Description	Amount	Comm. Int.
Total:			

<b>PREVIOUS ASSESSMENTS (HISTORY)</b>					
Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
2002	3260	44,200	2001	3260	44,200
2002	3260	130,200	2001	3260	130,200
2002	3260	4,900	2001	3260	4,900
Total:		179,300	Total:		179,300

This signature acknowledges a visit by a Data Collector or Assessor

<b>APPROAISED VALUE SUMMARY</b>	
Appraised Bldg. Value (Card)	125,700
Appraised XF (B) Value (Bldg)	2,900
Appraised OB (L) Value (Bldg)	4,900
Appraised Land Value (Bldg)	44,200
Special Land Value	

DBA-LUIGI'S PIZZA		
DBA-VALLEY MAJOR APPLIANC		
E PARTS		
Total Appraised Card Value		177,700
Total Appraised Parcel Value		179,300
Valuation Method:		Income Valuation

Net Total Appraised Parcel Value

<b>BUILDING PERMIT RECORD</b>		<b>VISIT/CHANGE HISTORY</b>				
Permit ID	Issue Date	Type	Date	ID	Cd.	Purpose/Result
			10/3/2000	DP	00	Meas & Int Insp.
			8/30/1990		00	Meas & Int Insp.

<b>LAND LINE VALUATION SECTION</b>																						
B#	Use Code	Description	Zone	D	Frontage	Depth	Units	Unit Price	I. Factor	S.I.	C. Factor	Nbhd	Adj.	Notes- Adj/Special Pricing	Adj. Unit Price	Land Value						
1	3260	REST/CLUBS					10,564.00	SF	4.18	1.00	1	1.00	720	1.00		4.18	44,200					
Total Card Land Units																	10,564.00	SF	Parcel Total Land Area:	10,564 SF	Total Land Value	44,200

CONSTRUCTION DETAIL

Element	Code	Description	Element	Code	Description
Model	30-04	Restaurant	Heat & AC	04	AVERAGE
Grade	03	Commercial 1% Average	Frame Type	02	WOOD FRAME
Stories	1	1 Story	Baths/Plumbing	02	AVERAGE
Occupancy	02		Ceiling/Wall	06	CEIL & WALLS
Exterior Wall 1	20	Brick/Masonry	Rooms/Prtis	02	AVERAGE
2	12	Cedar or Redwd	% Common Wall	0	
Roof Structure	01	Flat	Wall Height	12	
Roof Cover	02	Rollod Compos			
Interior Wall 1	05	Drywall/Sheet			
2	07	Pine Paneling			
Interior Floor 1	12	Hardwood			
2	14	Carpet			
Heating Fuel	03	Gas			
Heating Type	03	Hot Air-no Duc			
AC Type	01	None			
Bedrooms	00	Zero Bedrooms			
Bathrooms	0	Zero Bathrms			
Total Rooms					
Bath Type					
Kitchen Style					

MIXED USE

Code	Description	Percentage
3260	REST/CLUBS	100

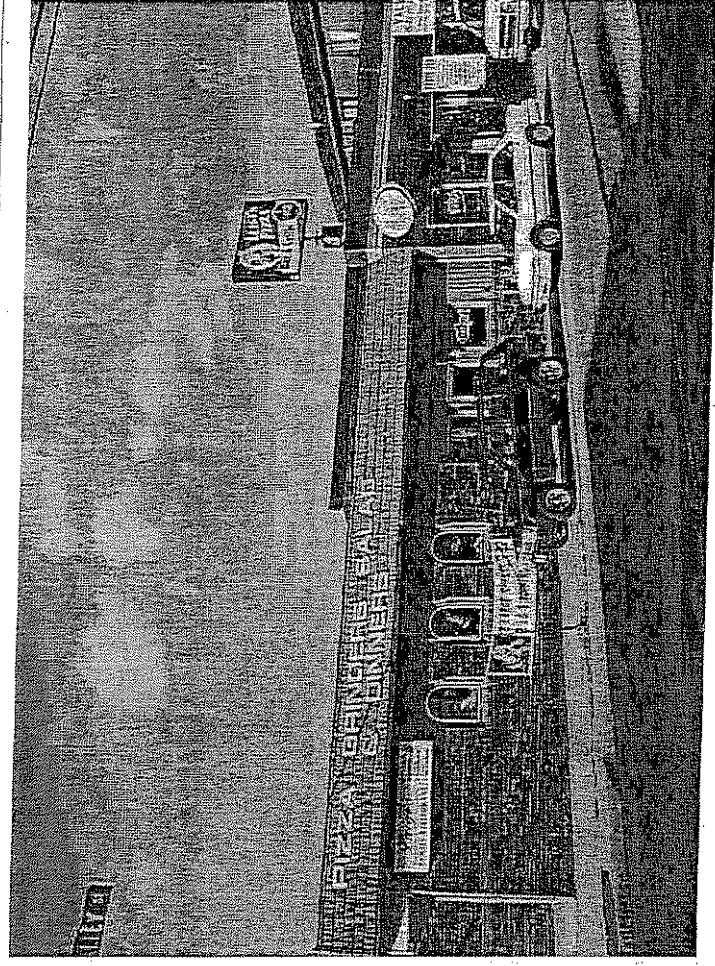
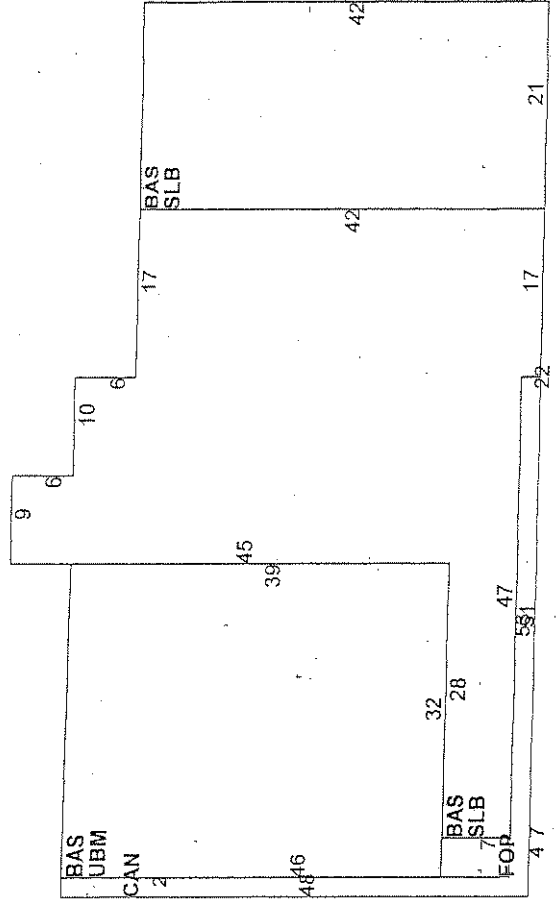
OB-OUTBUILDING & YARD ITEMS(D) / XT-BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	Unit Price	Yr.	Dp Rt	%Cnd	Apr. Value
PAV1	PAVING-ASPHALT	L	7,305	0.90	1990		73	4,800
SGN4	W/MOTOR & LTS	L	1	88.00	1986		63	100
CLR1	COOLER	B	54	20.00	1941		100	400
A/C	AIR CONDITION	B	3,086	2.00	1941		100	2,500

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	3,968	3,968	3,968	72.62	288,156
CAN	Canopy	0	198	40	14.67	2,905
FOP	Porch, Open, Finished	0	28	7	18.16	508
SLB	Slab	0	2,720	0	0.00	0
UBM	Basement, Unfinished	0	1,248	312	18.16	22,657
Ttl. Gross Liv/Lease Area		3,968	8,162	4,327	Bldg Val:	314,227

SKETCH





Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

January 12, 2004

Committee on Land and Buildings  
Honorable Board of Mayor and Aldermen  
City Hall - One City Hall Plaza  
Manchester, N.H. 03101

RE: *Disposition of city-owned land on Belmont Street previously owned by the B&M Railroad Company*

Dear Committee Members:

This is to provide a report pursuant to Section 23½ pertaining to the above-referenced city-owned land.

The City recently received a letter from the owner of Luigi's Pizza Bar & Grille, which is located on the northeast corner of Valley and Belmont Streets, inquiring about the possibility of acquiring a portion of the city-owned former rail corridor which passes immediately to the north of their pizzeria. More specifically, the request is to acquire the nearest abutting 30 feet of an existing 60 foot wide ROW for the purpose of providing a larger parking area for the subject restaurant.

**Surplus Determination:** The Planning Department has reviewed this property and communicated with the Parks Department about this matter and has discovered that there is a plan to run a future pedestrian/bicycle trail system over the former rail ROW – for the purpose of connecting the RiverWalk along the Merrimack River to the state's Rockingham Trail, which essentially runs between Hampton and Lake Massabesic. As such, we do not believe that the former rail ROW is surplus to city needs.

**Disposition:** If it could be determined in advance that it would not obstruct or otherwise compromise any portion of the City's future pedestrian/bicycle trail plan, we suggest that the Committee consider recommending the possibility that a license be issued to Luigi's Pizza Bar & Grille allowing their private use of an appropriate portion of the subject ROW for their parking needs.

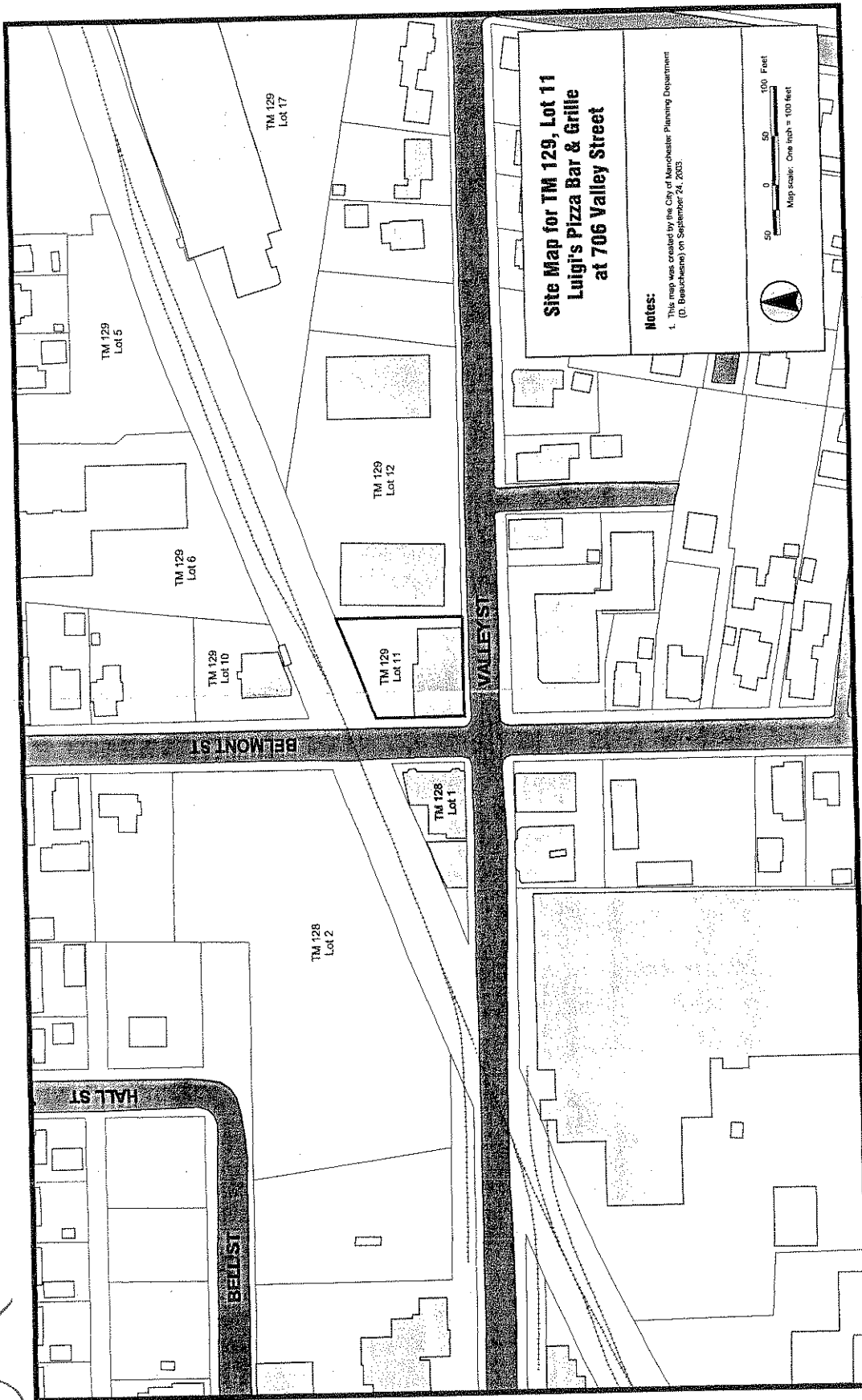
Sincerely,

Robert S. MacKenzie  
Director of Planning

One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)

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**CITY OF MANCHESTER**  
**Parks, Recreation & Cemetery Department**

625 Mammoth Road  
Manchester, NH 03104-5491  
(603) 624-6565 Administrative Office  
(603) 624-6514 Cemetery Division  
(603) 624-6569 Fax

**COMMISSION**

George "Butch" Joseph, Chairman  
Steve Johnson, Clerk  
Michael Worsley  
Joseph Sullivan  
Sandra Lambert  
Ronald Ludwig, Director

July 26, 2004

L+B  
Items # 8, 9 + 10

Alderman Henry Thibault, Chairman - Lands & Buildings Committee  
Board of Mayor & Aldermen  
One City Hall Plaza  
Manchester, NH 03101

**Re: Abandoned Rail Corridors**

Dear Alderman Thibault:

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At the May 26, 2004 Lands and Buildings Committee meeting, a vote was taken to table these requests pending development of a standard policy by City staff. I recently met with Tom Arnold from the City Solicitor's Office and David Beauchense from the Planning Department to discuss what should be included in this policy. While our meeting was productive, we will need some additional time to develop a written policy for your review.

In view of the restrictions placed on this property by the State and the City's long range plans for a recreational trail, it is certain that we will not recommend fee simple purchases. It may be possible to develop an agreement for temporary use that would not include any structures with a reversionary clause that would allow the City to construct a recreational trail at a future date.

We will have our recommendations for this policy available for your next scheduled meeting.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Thomas Arnold, Deputy City Solicitor  
David Beauchense, Planning & Community Development

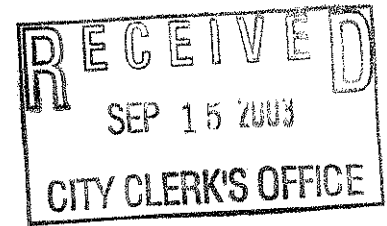
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**City of Manchester  
Office of the Tax Collector**

City Hall  
One City Hall Plaza - West  
Manchester, New Hampshire 03101  
(603) 624-6575 (Phone)  
(603) 628-6162 (Fax)

Joan A. Porter  
Tax Collector



## Memorandum

DATE: SEPTEMBER 12, 2003

TO: CITY CLERK

FROM: JOAN PORTER, TAX COLLECTOR

RE: PURCHASE OF RAILROAD PROPERTY

Since this is not a tax-deeded property, the Tax Collector's office has no interest in its disposition.

15

# J.C.'S Auto Sales



118 Maple St. ♦ Manchester, NH 03103  
Phone 1-603-645-6160 ♦ Fax 1-603-645-6160

RECEIVED  
MANCHESTER

'04 APR 27 PM 1:52

April 26, 2004

City Hall, City Clerks office  
One City Hall Plaza  
Manchester, NH, 03102

To Whom It May Concern,

My name is Gerald P. Cloutier. I am the owner of the property at 118 Maple St. It has come to my attention that the city of Manchester has aquired the abutting land on 118 Maple St. that was the former property of the Boston and Maine Railroads. I am interested in purchasing this property from the City of Manchester. Recently it has come to my attention that I am not in compliance with the parking codes that the city regulates. If able to purchase this piece of property on the corner of Maple St. and Sommerville. St. I will be in compliance with the City. I would appreciate it if you can look into this matter for me. If you can advise me on my next step in aquiring this property, who to conta ct , what the price might be. I would appreciate it . Thank-you for this consideration. I will be looking forward to hearing from you.

Sincerely,

Gerald P. Cloutier

65 Winter St  
Manchester NH 03102

Home 626 7274  
Work 645 6160  
Cell 582 2522

16

2005337

2002 JAN 11 PM 1:39

**KNOW ALL MEN BY THESE PRESENTS**

*#557  
City Solicitor*

18-34

THAT, The State of New Hampshire, whose mailing address is the Department of Transportation, 1 Hazen Drive, P.O. Box 483, Concord, NH 03302-0483, pursuant to RSA 4:40 and RSA 228:67, for considerations paid to it in hand before the delivery hereof, well and truly paid by the City of Manchester, a municipal corporation, whose mailing address is 1 City Hall Plaza, Manchester, NH 03101-2097, has remised, released and forever QUITCLAIMED, and by these presents, does remise, release and forever quitclaim unto said City of Manchester, its successors, and assigns forever:

Any and all interest the State of New Hampshire has in a portion of the abandoned Portsmouth Branch railroad corridor, including all stations, buildings, bridges, structures, crossings, culverts and improvements thereon and including all appurtenances thereto and formerly owned by the Boston and Maine Corporation, the Elliot Hospital of the City of Manchester, 67 Willow Street Realty, L.L.C., and the Flying Horse Realty, Inc., located in the City of Manchester, bounded and described as follows:

**Parcel 1:**

Beginning at a point designated as Engineering Station 1967+70+/- located on the westerly sideline of Page Street as shown on Railroad Valuation Plan V28NH, Map 38; thence running generally in a westerly direction to a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39.

**Parcel 2:**

Beginning at a point designated as Engineering Station 2002+90+/- located on the westerly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2008+05+/- at the easterly sideline of Hall Road as shown on Railroad Valuation Plan V28NH, Map 39.

**Parcel 3:**

Beginning at a point designated as Engineering Station 2021+70+/- located on the westerly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2080+80+/- at the easterly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41.

**Parcel 4:**

Beginning at a point designated as Engineering Station 2094+12+/- as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a northwesterly direction to a point designated as Engineering Station 2104+28+/- at the easterly sideline of Elm Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 6200, Pages 40 - 48 on January 11, 2000, said parcels containing an area of 12.45 acres, more or less.

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**Parcel 5:**

Beginning at a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2002+44+/- located on the easterly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 5719, Pages 215 - 221 on May 21, 1996, said parcel containing an area of 0.66 acres, more or less.

**Parcel 6:**

Beginning at a point designated as Engineering Station 2008+61+/- located on the westerly sideline of Hall Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2021+76+/- at the easterly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Elliot Hospital of the City of Manchester by an easement recorded in the Hillsborough County Registry of Deed in Book 5645, Pages 1085 - 1087 on August 1, 1995, said parcel containing an area of 0.60 acres, more or less.

**Parcel 7:**

Beginning at a point designated as Engineering Station 2081+13+/- located on the westerly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a westerly direction to a point designated as Engineering Station 2083+33+/- at the easterly sideline of Willow Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the 67 Willow Street Realty, L.L.C. by an easement recorded in the Hillsborough County Registry of Deed in Book 6513, Pages 131 - 132 on October 30, 2001, said parcel containing an area of 0.15 acres, more or less.

**Parcel 8:**

Beginning at the southerly most point of said premises, at an iron pin with cap to be set; thence along a curve westerly along said parcel with a radius of 962.57 feet, a distance of 479.56 feet to a point; thence N8°25'43"W a distance of 108.31 feet to a point; thence along a curve southeasterly with a radius of 932.57 feet to a point on Willow Street in Manchester, New Hampshire; thence S13°52'44" east a distance of 45.99 feet to the point of beginning, as shown on plan entitled "Easement Plan of Land prepared for Flying Horse Realty Inc., in Manchester, NH, scale 1" = 40", Date: January 11, 2000", prepared by Duval Survey, Inc., 14 Dartmouth Street, Hooksett, NH 03103, and recorded in the Hillsborough County Registry of Deeds as Plan No. 30334.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Flying Horse Realty, Inc., by an easement recorded in the Hillsborough County Registry of Deed in Book 6208, Pages 26 - 27 on February 9, 2000, said parcel containing an area of 0.34 acres, more or less.

BR 6561461309

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As a further condition of this instrument, the City of Manchester agrees to the following:

1.) The City of Manchester shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public.

2.) Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process.

3.) The City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor.

**Excepting and Reserving**, to the State of New Hampshire by or through its Department of Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the above-described parcels for any mode of public travel, including, but not limited to, vehicular, railroad, bus, or other form of mass transit, pedestrian, bicycle, snowmobile (not including motorcycles) or other form of recreational travel.

**TO HAVE AND TO HOLD** said premises, with all the privileges and appurtenances thereunto belonging to the City of Manchester, its successors and assigns forever.

**IN WITNESS WHEREOF**, The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of the New Hampshire Department of Transportation, duly authorized and executed this 14<sup>th</sup> day of December, 20 01.

Signed, Sealed and Delivered  
in the presence of

Diane Hartford

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION

Carol A. Murray  
Commissioner

THE STATE OF NEW HAMPSHIRE

COUNTY OF MERRIMACK

On this 14<sup>th</sup> day of December, 20 01, before me, Diane Hartford the undersigned officer, personally appeared the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the forgoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

DIANE L. HARTFORD  
Notary Public  
My Commission Expires July 1<sup>st</sup> 2004

Diane L. Hartford  
NOTARY PUBLIC

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Approved by New Hampshire Council on Resources and Development on July 14, 2000.  
Approved by Long Range Capital Planning and Utilization Committee on August 22, 2001.  
Approved by Governor and Executive Council on October 10, 2001, Item # 146.

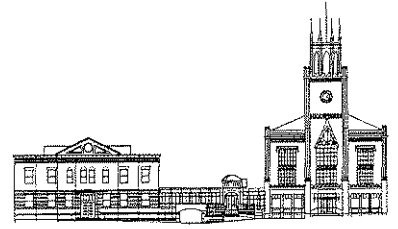
DK6561PB131U



## CITY OF MANCHESTER, NH

### Board of Assessors

One City Hall Plaza, West Wing  
Manchester, New Hampshire 03101  
Tel: (603) 624-6520 – Fax: (603) 628-6288  
E-mail: [assessors@ci.manchester.nh.us](mailto:assessors@ci.manchester.nh.us)  
Web: [www.ManchesterNH.gov](http://www.ManchesterNH.gov)



Steven G. Tellier, Chairman  
Thomas C. Nichols  
Stephan W. Hamilton

Christine Hanagan  
Assistant to Assessors

To: Committee on Lands and Buildings  
From: Board of Assessors  
Date: December 15, 2004

**Re: Map/Lot: 0361/0001 – Note: This is the Abutter's Lot**  
**Owner: Gerald P. Cloutier**  
**Request to Purchase or Lease/License Land**

The Assessors have completed an analysis of the estimated market value of the above referenced property. An examination of the available assessing records has been completed. A review of sales of excess B&M Railroad tracts of land has also been done. The following is a summary of important facts and the value estimate:

Property Location	Maple and Somerville Streets
Assessors Map/Lot	Not Assigned
Property Owner	City of Manchester
Deed Book/Page	Not Assigned
Date Acquired	N/A
Improved/Vacant	Vacant
Total Land Area	5,271 sq. ft.
Current Zoning	RDV
Overlay District	N/A
Easements/Restrictions	Railroad
Utilities Available	All
Total Current Assessment	\$0
Indicated Range of Value/Unit	\$4.00
Indicated Range of Value	\$21,084
Comments	We are using \$4.00 per sq. ft. which is the rate at which B&M is selling land to individuals who purchase land in areas such as this one. However, this lot is located in a good commercial area. On the open market the location of the lot could add considerable contributory value to the abutting property.

Respectfully submitted,  
BOARD OF ASSESSORS

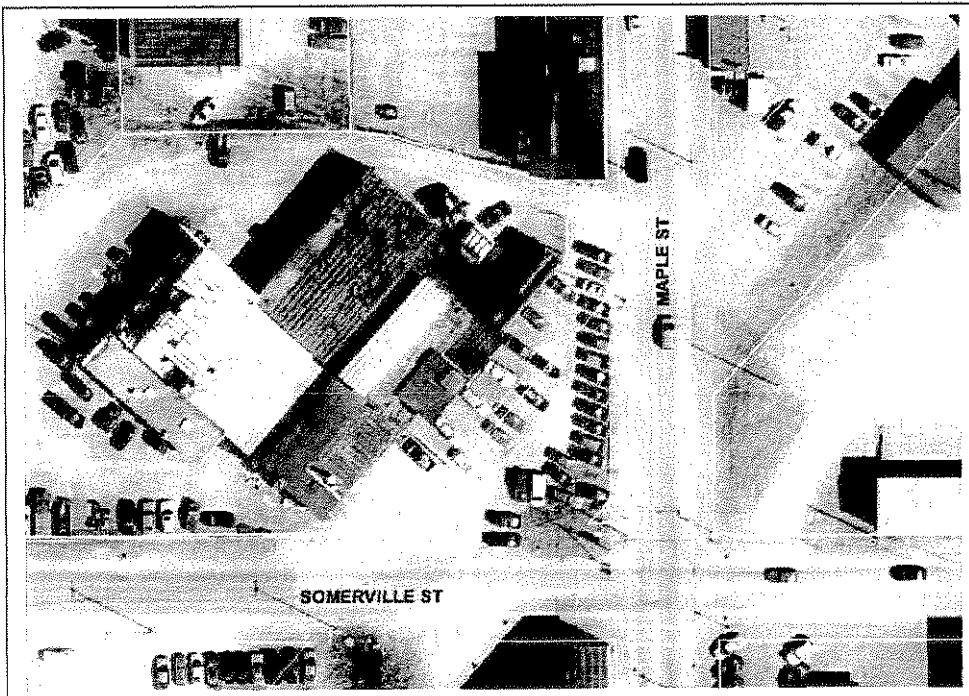
Steven G. Tellier, Chairman

Thomas C. Nichols, Assessor

Stephan W. Hamilton, Assessor

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Maple and Somerville  
J.C. Auto Sales



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Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

May 24, 2004

Committee on Land and Buildings  
Honorable Board of Mayor and Aldermen  
Manchester City Hall  
One City Hall Plaza  
Manchester, New Hampshire 03101

Re: *Disposition of City-owned former rail ROW parcel abutting 118 Maple Street*

Dear Committee Members:

The City has received a written request by Mr. Gerald Cloutier, owner of J. C.'s Auto Sales (corner of Silver, Somerville and Maple Streets), seeking the opportunity to purchase a small triangular-shaped 5,271 s.f. section of the former B & M Portsmouth Branch rail line which abuts his property (see attached map). Mr. Cloutier's stated goal in such a purchase is that it would assist in resolving his used car business' on-site parking problems. At its widest, the subject city-owned parcel is app. 60' wide and contains the former railroad's steel rails and timber ballast which are still in place running down the middle of the parcel.

**Surplus Determination:** The Planning Department has communicated with the Parks, Recreation and Cemeteries Department in reviewing this property and has determined that the City has long-term plans to install a bike/pedestrian trail along the former Portsmouth Branch railroad line through this part of town to connect the state's Rockingham Recreational Trail on the east side of the city with the CrossTrails hub in the vicinity of the south Millyard ballfield. It was also found that the State of New Hampshire, in deeding the former rail ROW to the City, not only reserved a 30' wide transportation easement on the property for possible future rail uses but also maintained a right to approve any sale of the rail ROW which the City may wish to undertake. In view of these long-range plans and restrictions, our recommendation is that the subject parcel continue to be maintained in city ownership and not be declared surplus.

**Disposition:** Given the real commercial need by J. C.'s Auto Sales for added on-site parking, we feel that the City could reasonably enter into a lease agreement with Mr. Cloutier which would allow him to use approximately 30' of that portion of the subject parcel which is closest to his 118 Maple Street business such lease to include a reversionary clause that would allow the City to construct a recreational trail at any apt future date. The Committee may wish to consider this option.

Sincerely,

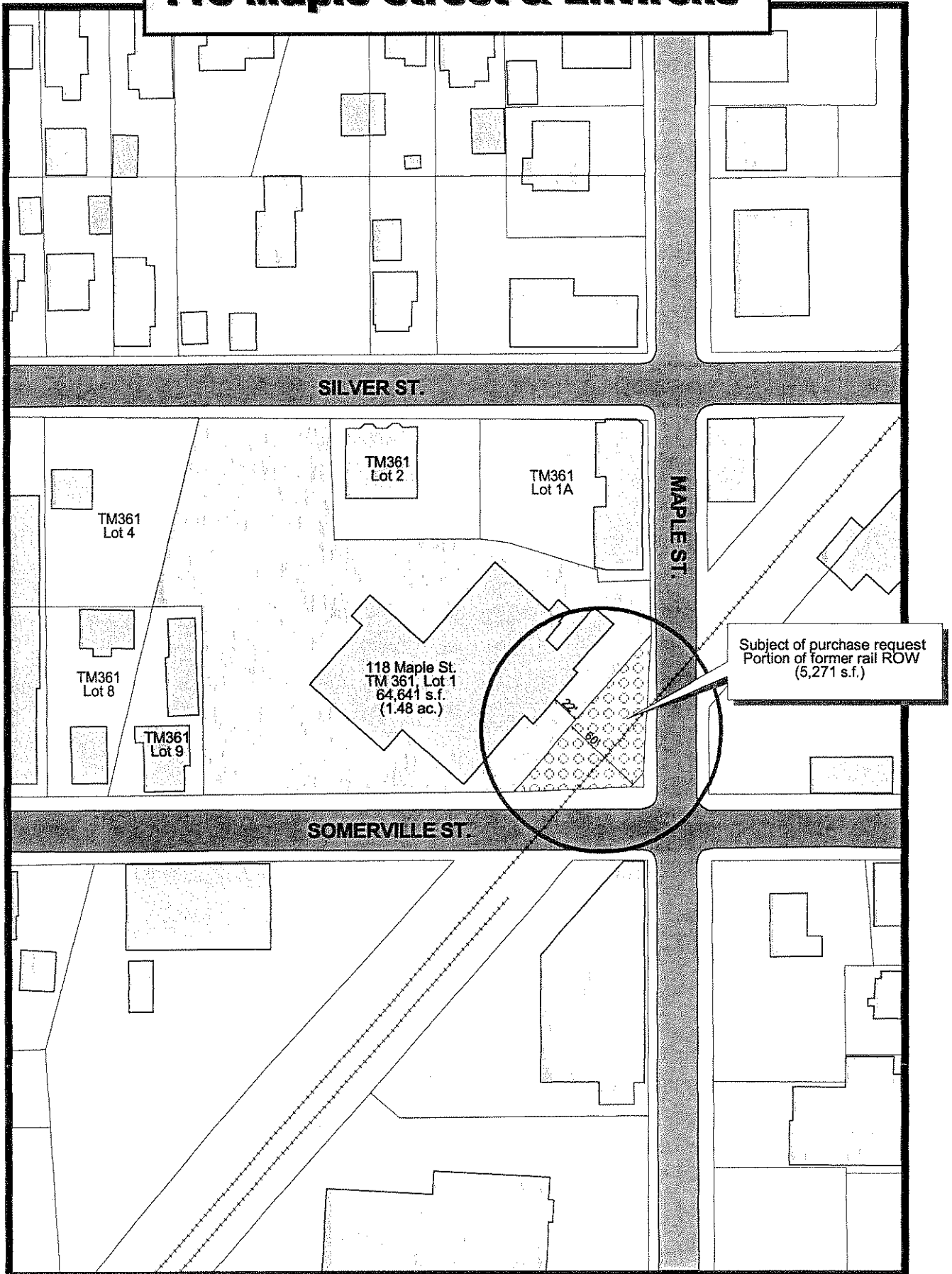
Robert S. MacKenzie  
Director of Planning & Community Development

Copy: file

One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)

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# 118 Maple Street & Environs



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**CITY OF MANCHESTER**  
**Parks, Recreation & Cemetery Department**

625 Mammoth Road  
Manchester, NH 03104-5491  
(603) 624-6565 Administrative Office  
(603) 624-6514 Cemetery Division  
(603) 624-6569 Fax

**COMMISSION**

George "Butch" Joseph, Chairman  
Steve Johnson, Clerk  
Michael Worsley  
Joseph Sullivan  
Sandra Lambert  
Ronald Ludwig, Director

May 21, 2004

Alderman Henry Thibault, Chairman - Lands & Buildings Committee  
Board of Mayor & Aldermen  
One City Hall Plaza  
Manchester, NH 03101

**Re: Abandoned Rail Corridor Land Purchase request – Gerald Cloutier**

Dear Alderman Thibault:

I would like to provide some comments regarding the request of Mr. Gerald Cloutier of J. C.'s Auto Sales to purchase a portion of the former Manchester and Portsmouth railroad line at 118 Maple Street. This property was transferred to the City from the State of New Hampshire on December 14, 2001.

The State of New Hampshire placed several conditions within the deed, including use and management restrictions and the need to obtain approval from the State before selling any portion of the property. Furthermore the State has reserved a (30') transportation easement on the property.

According to the City Master Plan, abandoned rail corridors throughout Manchester were identified as future greenways and trail connectors to the neighborhoods. We are currently working on two trail projects on abandoned rail corridors including the Piscataquog Trailway and South Manchester Rail Trail.

The property in question has also been identified as a connector to the Rockingham Recreational Trail, which the State currently manages from I-93 in Manchester easterly to the town of Newfields. As funding becomes available, we would like to improve this section of rail corridor for a recreational trail.

In view of the restrictions placed on this property by the State and the City's long range plans for recreational trails, we would recommend that the Board of Aldermen deny a fee simple purchase of this property. Instead, the Board may consider a lease agreement allowing use of the property with a reversionary clause that would allow the City to construct a recreational trail at a future date.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Ronald E. Ludwig, Director  
Robert A. MacKenzie, Planning Director

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City of Manchester  
Office of the Tax Collector

City Hall  
One City Hall Plaza - West  
Manchester, New Hampshire 03101 Joan A. Porter  
(603) 624-6575 (Phone) Tax Collector  
(603) 628-6162 (Fax)

## Memorandum

**DATE:** April 30, 2004  
**TO:** Land & Building Committee  
**FROM:** Joan A. Porter, Tax Collector  
**RE:** L Corner of Maple St/Somerville St

As the parcel referenced above is not a Tax-Deeded property, the Tax Collector's office has no interest in its disposition nor any further information to contribute.

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**City of Manchester  
Parks, Recreation & Cemetery Department**

**Inter-Office Correspondence**

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**Memo to:** Paula LeBlond-Kang, City Clerk's Office

**From:** Ron Johnson

**Date:** May 21, 2004

**Re:** Lands & Buildings Meeting (4/26/04)

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Attached you will find a letter in response to the request from Gerald Cloutier of 118 Maple Street, to purchase a portion of the former Portsmouth Branch railroad property, that is now in City ownership.

The City Planning Department asked us for some comments on this request for the Lands & Buildings Committee meeting. Please let me know if you have any further questions.

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**CITY OF MANCHESTER**  
**Parks, Recreation & Cemetery Department**

625 Mammoth Road  
Manchester, NH 03104-5491  
(603) 624-6565 Administrative Office  
(603) 624-6514 Cemetery Division  
(603) 624-6569 Fax

**COMMISSION**

George "Butch" Joseph, Chairman  
Steve Johnson, Clerk  
Michael Worsley  
Joseph Sullivan  
Sandra Lambert  
Ronald Ludwig, Director

July 26, 2004

L+B  
Items # 8, 9 + 10

Alderman Henry Thibault, Chairman - Lands & Buildings Committee  
Board of Mayor & Aldermen  
One City Hall Plaza  
Manchester, NH 03101

**Re: Abandoned Rail Corridors**

Dear Alderman Thibault:

In 2001, the New Hampshire Department of Transportation transferred ownership of the Manchester and Portsmouth Branch railroad corridor to the City for use as a recreational trail. However, the state placed several restrictions on the use of this property that must be considered before a decision is made regarding requests from abutters to utilize portions of this property.

At the May 26, 2004 Lands and Buildings Committee meeting, a vote was taken to table these requests pending development of a standard policy by City staff. I recently met with Tom Arnold from the City Solicitor's Office and David Beauchense from the Planning Department to discuss what should be included in this policy. While our meeting was productive, we will need some additional time to develop a written policy for your review.

In view of the restrictions placed on this property by the State and the City's long range plans for a recreational trail, it is certain that we will not recommend fee simple purchases. It may be possible to develop an agreement for temporary use that would not include any structures with a reversionary clause that would allow the City to construct a recreational trail at a future date.

We will have our recommendations for this policy available for your next scheduled meeting.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Thomas Arnold, Deputy City Solicitor  
David Beauchense, Planning & Community Development

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